

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE VIVEK KUMAR SINGH**

**ON THE 20<sup>th</sup> OF AUGUST, 2026**

**WRIT PETITION No.31471 of 2026**

*Bharat Sharan Singh*

*Versus*

*State of Madhya Pradesh & others*

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**Appearance:**

*Shri Sanjay Ram Tamrakar- Senior Advocate with Shri Ayush Soni– Advocate  
for the petitioner.*

*Shri Yogesh Dhande- Government Advocate for the respondents No. 1 and  
2/State.*

*Shri Siddharth Shukla – Advocate for the respondent No. 3.*  
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**Reserved on : 06.08.2026**

**Delivered on : 20.08.2026**  
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**ORDER**

The petitioner has filed the instant petition challenging the transfer order dated 15.06.2026 and the consequential relieving order dated 27.07.2026.

2. The petitioner was appointed on compassionate grounds to the post of Peon (Class IV) on 30.12.1995 and joined his duties on 01.01.1996. He was subsequently posted at Nagar Palika Parishad, Dhanpuri, District Shahdol, where he has been discharging his duties since 14.07.2005. By the impugned order dated 15.06.2026, the petitioner was transferred from Nagar Palika Parishad, Dhanpuri to Nagar Palika Parishad, Shahdol. Aggrieved by his transfer, the petitioner previously approached this Court by filing W.P. No. 21969/2026, which was disposed of on 23.06.2026 directing the competent authority to decide the petitioner's representation within 30 days and the effect of the transfer order shall remain stayed for a period of 30 days or till the representation is decided, whichever is earlier. Pursuant to this, the petitioner submitted a representation on 21.07.2026. However, on 27.07.2026, respondent No. 3 issued the impugned relieving order, discharging the petitioner from his present posting.

3. Ld. counsel for the petitioner submits that the impugned orders are arbitrary and unsustainable in law as it violates the transfer policy dated 22.05.2026 because it was issued without obtaining the requisite approval of the Hon'ble Minister-in-Charge. It is also argued that the transfer is in violation of Section 94 of the *Madhya Pradesh Municipalities Act, 1961*, as a Class-IV employee holds a council-wise lien and cannot be transferred from one Municipal Council to another without cogent reasons. It is also argued

that there is no genuine administrative exigency, evidenced by the fact that no other employee has been posted in the petitioner's place at Dhanpuri.

4. It is submitted by the counsel for petitioner that the relieving order dated 27.07.2026 was passed without deciding the pending representation, bypassing this Court's directive dated 23.06.2026. It is also pointed out that the petitioner is the primary caregiver for his 65 year old mother who suffers from age-related ailments and the transfer will cause severe personal hardship.

5. *Per contra*, the Ld. counsel for the respondent State opposes the petition and submitted that transfer is an incident of service and the petitioner, holding a transferable post, has no vested right to remain at a specific location. It is submitted that the interim protection granted by this Court in W.P. No. 21969/2026 stayed the transfer for a strict maximum of 30 days from 23.06.2026. Since the 30 day period lapsed on 23.07.2026, the authorities were legally competent to issue the relieving order on 27.07.2026. It is further submitted that the transfer from Dhanpuri to Shahdol is within the same district, ensuring that the petitioner faces no extreme geographical displacement or undue hardship.

6. Heard the respective counsel.

7. It is a well settled principle that transfer is an incident of service. The scope of judicial review in matters of transfer is highly circumscribed. Courts

do not ordinarily interfere with administrative transfer orders unless they are vitiated by *malafides*, issued by an incompetent authority or passed in strict violation of statutory provisions. In the present case, the petitioner has not pleaded any specific allegations of *mala fides* against any officer. So far as the petitioner's contention regarding the statutory bar under the M.P. Municipalities Act is concerned, this Court finds it pertinent to rely on the judgment of the Hon'ble Supreme Court in the case of ***State of M.P vs. Shankarlal, (1980) 1 SCC 702***. The Apex Court while interpreting Section 94 of the Act clearly held that the power exists in the State Government to transfer any officer or servant of a Council, encompassing all employees literally covered by the sub-sections. This Court is conscious of the fact that the Hon'ble Supreme Court observed that the power to transfer employees drawing small emoluments should be exercised sparingly and not as a matter of routine. The facts of the present case reveal that the petitioner is being transferred from Dhanpuri, District Shahdol to District Shahdol itself. Both locations fall within the same district, mitigating any claim of severe disruption or exceptional hardship that would warrant judicial interference.

8. So far as the submission with regard to violation of the State Government's Transfer Policy dated 22.05.2026 is concerned, it is settled law that transfer guidelines are administrative instructions. They do not have statutory force and their breach does not render a transfer order illegal *per se*.

Personal hardships, such as the medical condition of the petitioner's mother are matters for the employer to consider on sympathetic grounds and do not constitute a legal basis to quash an otherwise valid administrative order.

9. Now, coming to the issue of the relieving order being passed without deciding the representation, the plain reading of this Court's previous order dated 23.06.2026 in W.P. No. 21969/2026 indicates that the transfer was stayed for a period of 30 days from the date of the order or till the representation is decided, whichever is earlier. The 30 day period inherently expired on 23.07.2026. Therefore, the issuance of the relieving order on 27.07.2026 cannot be termed as a violation of this Court's mandate or an action without jurisdiction.

10. In the light of the above, this Court finds no merit in the writ petition. The impugned transfer order dated 15.06.2026 and the relieving order dated 27.07.2026 do not suffer from any jurisdictional error, *malafides* or statutory violation calling for interference under Article 226 of the Constitution of India.

11. Accordingly, the present writ petition is **dismissed**. There shall be no order as to costs.

**(VIVEK KUMAR SINGH)**  
**JUDGE**