



2026:AHC-LKO:696-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 10470 of 2025

Ful Chandra

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Panchayat
Raj Lko. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Mithila Bakhsh Tiwari, Alok Shukla,
Amar Singh

Counsel for Respondent(s) : C.S.C.

RESERVED ON :- 21.11.2025
DELIVERED ON :- 07.01.2026

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE MANJIVE SHUKLA, J.**

1. Heard Shri M.B. Tiwari, learned counsel for the petitioner and Shri Shailesh Chandra Tiwary, learned Standing Counsel appearing on behalf of the State-respondents.

2. The captioned writ petition has been filed by the petitioner inter alia, praying therein for the following reliefs:-

"(i) issue a writ order or direction in the nature of Mandamus commanding and directing to the opposite parties no. 2 to ensure the compliance the transfer policy issued by the Chief Secretary state of U.P. dated 06.05.2025.; contained as Annexure No. 1.

(ii) Issue a writ order or direction in the nature of Mandamus commanding the opposite party no. 2 to transfer the opposite party no. 6 from Block Safipur District Unnao to another Block, in the interest of justice.

(iii) Issue a writ order or direction in the nature of Mandamus commanding the opposite parties to conduct he inquiry against the opposite party no.6 in the allegations made by villagers, in the interest of justice."

3. It has been contended on behalf of the petitioner that Respondent No. 6 was initially appointed as Village Development Officer in Block -

Safipur, District - Unnao on 01.02.1997 and while working in the said development block, he was promoted on the post of Assistant Development Officer (Panchayat) vide order dated 15.07.2021 and thereafter, he was transferred to development block - Asoha, where he worked till 09.05.2022. It has further been contended that again, vide order dated 09.05.2022, Respondent No. 6 has been transferred to development block - Safipur in District - Unnao and since then, he is continuously working in development block - Safipur, District - Unnao.

4. Learned counsel appearing on behalf of the petitioner has argued that Respondent No. 6 has been instrumental in embezzlement of government fund under different development schemes and time and again, different persons have submitted complaints in respect of his working. Since, Respondent No. 6 is working in District - Unnao from the date of his initial appointment and most of the time he has been posted in development block - Safipur, District - Unnao therefore, taking advantage of his long posting and experience in development block - Safipur, he has been instrumental in siphoning government funds which were meant for the development work of the villages.

5. It has been submitted on behalf of the petitioner that various complaints in respect of the embezzlement of government fund by the Respondent No. 6, have already been submitted before the higher authorities with a request to transfer him out of the district - Unnao. It has further been submitted that the petitioner has also preferred various representations before the higher officers of the department requesting therein for transfer of Respondent No. 6 to another district.

6. Learned counsel appearing for the petitioner has argued that the Government of U.P. had issued a Government Order dated 06.05.2025, whereby transfer policy for the transfers of government servants for the year 2025-26 has been enforced. It has further been argued that as per the transfer policy contained in the aforesaid Government Order dated 06.05.2025, if a government servant had completed more than seven years of service in one district, he has to be transferred to another district.

7. Learned counsel appearing for the petitioner has vehemently argued

that since Respondent No. 6, from the date of his initial appointment i.e. w.e.f. the year 1997, is continuously working in one district i.e. in district - Unnao, the State-respondents are under obligation to transfer him to another district in terms of the transfer policy contained in Government Order dated 06.05.2025. It has also been argued that even otherwise, the conduct of Respondent No. 6 resulting in embezzlement of government fund meant for development of the villages itself is sufficient for transferring him out of the district - Unnao but in spite of repeated representations made by various persons, State-respondents in most arbitrary and illegal manner have not transferred him out of the district.

8. Learned counsel appearing for the petitioner has thus concluded his arguments by submitting that this Court may allow this writ petition and may direct the respondent authorities to transfer Respondent No. 6 out of the district - Unnao in compliance of the provisions contained in Government Order dated 06.05.2025.

9. Shri Shailesh Chandra Tiwary, learned Standing Counsel appearing for the State-respondents has submitted that this writ petition filed by the petitioner for transfer of Respondent No. 6 is not maintainable, as petitioner in the entire writ petition has not revealed has to how he is personally aggrieved by the non-transfer of Respondent No. 6 and further, transfer of government servant lies in exclusive administrative domain of the State Government and it takes decision to post government servants at different places keeping in view the public interest and administrative exigencies. It has further been submitted that the State Government for providing guidelines to its officers for carrying out transfers of the government servants comes with a transfer policy every year by issuing a Government Order and therefore, the transfer policy only contains guiding factors for the officers of the State Government in respect of the transfer of government servants but the said transfer policy cannot be enforced through court of law, that too, on the instance of the petitioner who altogether has no concern with the transfer of government servants and is not at all a person aggrieved by non-transfer of Respondent No. 6.

10. Shri Shailesh Chandra Tiwary, learned Standing Counsel has argued that initially Respondent No. 6 was working on the post of Village

Development Officer and the cadre of the said post itself is block level and the Village Development Officers are posted in the Gram Panchayats for carrying out development works therefore, Respondent No. 6 remained posted as Village Development Officer in development block - Safipur, District - Unnao from 1997 till 15.07.2021. The Respondent No. 6 was thereafter promoted on the post of Assistant Development Officer (Panchayat) vide order dated 15.07.2021 and thereafter, he was posted in development block - Asoha where he continued to work till 09.05.2022. The Respondent No. 6 vide order dated 09.05.2022 was again transferred from development block - Asoha to development block -Safipur, as such, it is absolutely incorrect to say that some undue favour has been granted to Respondent No. 6 and thereby most of the time, he has been posted in development block - Safipur. It has further been argued that the State Government / higher officers, as and when required, shall evaluate the administrative exigencies and shall take a call to transfer Respondent No. 6 but petitioner cannot be permitted to seek transfer of Respondent No. 6 through this writ petition filed before this Court.

11. Shri Shailesh Chandra Tiwary, learned Standing Counsel appearing for the State-respondents has argued that the Hon'ble Supreme Court in its catena of judgments had already held that the transfer policy issued by the government for yearly transfers of the government servants is only for guidance of the officers of the government for transfer of the government servants but same cannot be enforced through court of law. Learned Standing Counsel to buttress his arguments has relied on the law laid down by the Hon'ble Supreme Court vide its judgments rendered in the case of ***Union of India and others Vs. S.L. Abbas; (1993) 4 SCC 357***, case of ***State Bank of India Vs. Anjan Sanyal and others; (2001) 5 SCC 508*** and in the case of ***Mrs. Shilpi Bose and others Vs. State of Bihar and others; reported in AIR 1991 SC 532***.

12. Learned counsel appearing for the State-respondents has thus concluded his arguments by submitting that the present writ petition filed by the petitioner seeking a direction from this Court for transfer of Respondent No. 6 is not maintainable, as neither petitioner, in any manner is personally aggrieved by non-transfer of Respondent No. 6 nor he can invoke the writ jurisdiction of this Court for a direction to the respondent-

authorities to transfer Respondent No. 6 to another district. He thus prays that this writ petition filed by the petitioner may be dismissed by this Court.

13. We have considered the arguments advanced by the learned counsels appearing for the parties and we find that petitioner through this writ petition is seeking a direction thereby commanding the respondent-authorities to transfer Respondent No. 6 to another district on the ground that since long, he is working in one particular block and thereby he has been instrumental in embezzlement of government fund meant for development of different villages.

14. It transpires from the record of the case that Respondent No. 6 was initially holding post of Village Development Officer whose cadre is block level and therefore, he continued to work in Block - Safipur, District - Unnao. Thereafter, vide order dated 15.07.2021, he was promoted on the post of Assistant Development Officer (Panchayat) and thereafter, he was posted in development block - Asoha. Later on, vide order dated 09.05.2022, he has been again transferred to development block - Safipur.

15. This Court is of the view that the transfer of a government servant lies in exclusive domain of the State Government and it is for the State Government to take decision regarding transfer and posting of its employees at particular places keeping in mind the public interest and the administrative exigencies. It may be true that the petitioner and other persons have filed certain complaints against working of Respondent No. 6 and respondent-authorities may consider those complaints and may take decision for transfer of Respondent No. 6 from one place to another but petitioner, who is not at all personally aggrieved by non-transfer of Respondent No. 6, cannot be allowed to invoke writ jurisdiction of this Court for transfer of Respondent No. 6 out of the district. We are further of the view that the transfer policy issued by the State Government vide Government Order dated 06.05.2025 is in the form of guiding factors for the officers concerned to carry out annual transfers of the government servants but the provisions of the said transfer policy cannot be enforced through court of law.

16. The Hon'ble Supreme Court vide its judgment rendered in the case of **S.L. Abbas (Supra)** had categorically held that the transfer and posting of the government servants lies in exclusive domain of the State-authorities and the Court cannot interfere in the order of transfer of a government servant unless it is demonstrated before the Court that the order of transfer is vitiated by malafides or is made in violation of any statutory provision and further, the Court cannot issue direction to the State Government to transfer and post a government servant on a particular post. For ready reference, Paragraph No. 7 of the judgment rendered in the case of **S.L. Abbas (Supra)** is extracted as under:-

"7. Who should be transferred where, is a matter for the appropriate authority to decide. Unless the order of transfer is vitiated by mala fides or is made in violation of any statutory provisions, the court cannot interfere with it. While ordered the transfer, there is no doubt, the authority must keep in mind the guidelines issued by the Government on the subject. Similarly if a person makes any representation with respect to his transfer, the appropriate authority must consider the same having regard to the exigencies of administration. The guidelines say that as far as possible, husband and wife must be posted at the same place. The said guideline however does not confer upon the Government employee a legally enforceable right."

17. The Hon'ble Supreme Court in the case of **Ms. Shilpi Bose (Supra)** had laid down a law that if the transfer order is passed in violation of any executive instructions or guidelines issued for the transfers, the Court should not interfere in the said order unless it is shown that the order is vitiated on the ground of malafides or is in violation of any statutory provision. For ready reference, relevant paragraph of the judgment rendered in the case of **Ms. Shilpi Bose (Supra)** is extracted as under:-

"4. In our opinion, the Courts should not interfere with a transfer Order which are made in public interest and for administrative reasons unless the transfer Orders are made in violation of any mandatory statutory Rule or on the ground of malafide. A Government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer Orders issued by the competent authority do not violate any of his legal rights. Even if a transfer Order is passed in violation of

executive instructions or Orders, the Courts ordinarily should not interfere with the Order instead affected party should approach the higher authorities in the Department. If the Courts continue to interfere with day-to-day transfer Orders issued by the Government and its subordinate authorities, there will be complete chaos in the Administration which would not be conducive to public interest. The High Court over looked these aspects in interfering with the transfer Orders."

18. The Hon'ble Supreme Court in the case of **Ajay Sanyal (Supra)** had laid down law in respect of transfer of a government servant in following terms:-

"(Para 4). An order of transfer of an employee is a part of the service conditions and such order of transfer is not required to be interfered with lightly by a court of law in exercise of its discretionary jurisdiction unless the court finds that either the order is mala fide or that the service rules prohibit such transfer or that the authorities, who issued the order, had not the competence to pass the order. Keeping in view Rules 47, 49, 50(1), 66 and 67 of the State Bank of India Officers' Service Rules, when one considers the legality of an order of transfer, allegedly passed on 14.06.1986, after the employee had continued in Calcutta for more than a decade and the said order had not been held by the High Court either to be mala fide or incompetent, it is not possible to come to a conclusion that the said order had not been passed nor had been communicated to the employee concerned. The correspondent between the Bank and the respondent and the entire fact situation unerringly points out to one fact, namely, that the respondent flouted the orders of transfer."

19. We have considered the aforesaid law laid down by the Hon'ble Apex Court and we find that by now, it is well settled law that the transfer and posting of government servant lies in exclusive administrative domain of the State Government and it is for the State Government to take into account various factors keeping in mind the public interest and administrative exigencies and thereafter, to transfer the government servants but the Courts cannot either issue direction to the State Government to transfer a particular government servant to a particular place nor it can interfere in the orders of transfer of the government servants unless it is shown that the orders are vitiated due to malafides or the orders are in violation of any statutory provision. We also find that in

respect of enforceability of the transfer policy issued by the government through Court of law, by now, it is well settled that the transfer policy is a guiding factor for the officers of the State Government to carry out transfers of the government servants and the said transfer policy cannot be enforced through Court of law.

20. In view of the aforesaid reasons, this writ petition lacks merit and thus is hereby **dismissed**.

January 7, 2026

Lokesh Kumar

(Manjive Shukla,J.) (Shekhar B. Saraf,J.)