



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 8711 of 2025

Santosh Kumar Verma

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Medical Health And
Family Welfare Deptt. Lko. And Another

.....Respondent(s)

Counsel for Petitioner(s)	: Anurag Narain Srivastava, Chitrangada Narayan, Shailendra Kumar Misra
Counsel for Respondent(s)	: C.S.C.

Court No. - 8

HON'BLE MANISH MATHUR, J.

1. Heard Mr. Anurag Narain, learned counsel for petitioner and learned State counsel for opposite parties.
2. Counter affidavit as well as supplementary affidavit filed today are taken on record.
3. This writ petition has been filed challenging order dated 17.6.2025 whereby petitioner's representation seeking transfer from Mainpuri to Ayodhya or any place adjoining Ayodhya including Lucknow has been rejected.
4. It has been submitted that earlier petitioner was posted in Ayodhya for 13 years whereafter he was transferred to Mainpuri in 2021 but in view of fact that his son is suffering from mental retardation and has 50% permanent disability as certified by Government of India and is living with his mother in District Ayodhya, petitioner sought his transfer to Ayodhya or any nearby place. Learned counsel for petitioner has drawn attention to paragraphs no. 6 and 9 of writ petition particularly adverting to Annexures no. 4 and 7 to submit that as per Annexure-4 issued by Chief Medical Officer, Mainpuri dated 25.3.2025, it has been certified that there is no Neurophysician or Psychiatric available in Mainpuri and Annexure no. 7 clearly indicates the vacancies certified by Chief Medical Officer for the post of Senior Assistant in districts Lucknow and

Ambedkarnagar where petitioner could very well have been accommodated.

5. It has further been submitted that however by means of impugned order, petitioner's representation has been rejected only on the ground that he has already been posted for 13 years in Ayodhya and for administrative reasons particularly looking into the vacancies in Mainpuri, he is required continue at the said place.

6. Learned State counsel on the basis of counter affidavit submits that as it has been indicated in the impugned order itself, out of 54 posts sanctioned in Mainpuri, 20 posts are still vacant due to which petitioner was required to be transferred and continue in Mainpuri. It is further submitted that transfer is an incidence of service, a fact of which petitioner is very well aware of and therefore choice posting cannot be provided. It is also submitted that since petitioner has already spent more than 13 years in Ayodhya, it is not conducive on administrative ground to continue him in the said District any longer.

7. Upon consideration of submissions advanced by learned counsel for parties and perusal of material available on record, particularly the submissions made in paragraph no. 6 and 9 of writ petition as well as disability certificate issued by competent authority, it is evident that petitioner's son has a case of mental retardation with 50% permanent disability. It is also evident from Annexure-4 of the petition that Chief Medical Officer of District Mainpuri has certified that in the said district, there is no Psychiatric or Neurophysician available in the Government Hospital. Paragraphs nos. 6 and 9 of writ petition have not been specifically denied in paragraph 6 and 9 of the counter affidavit. The only ground taken for rejection of petitioner's representation is that petitioner is an employee of the State Level Cadre and in view of work and requirement, the Administrative Department can get petitioner to perform Government work and responsibilities as per requirement.

8. The impugned order rejecting petitioner's representation also adverts only to the aspect that petitioner has spent a total of 13 years in Ayodhya and there are 20 vacancies on the said post in Mainpuri where petitioner's

functioning is required.

9. A perusal of the impugned order as well as counter affidavit indicates an example of administrative insensitivity. The authority passing the impugned order is completely unconcerned with the status of disability of petitioner's son and is also ignorant of paragraph 5 (iv) of the Government order dated 6.5.2025 whereby persons with such disabilities were required to be exempted from transfers and for their required postings.

10. It is also evident that opposite parties have not denied either disability of petitioner's son and its extent nor the aspect that the district Mainpuri does not have any Psychiatric or Neurophysician available in the district. The vacancies indicated in Annexure No. 7 have also not been denied. The callous attitude of opposite parties is also evident from paragraph 4 (E) of counter affidavit wherein it has been stated that Agra is near to Mainpuri and in Agra, the Institute of Mental Health and Hospital is available where petitioner can provide better treatment to his disabled dependent son. Evidently, the deponent of counter affidavit, who is posted as Joint Director in the Medical and Health Services is unable to draw distinction between the disability of petitioner's son and a person, who requires treatment in the Institute of Mental Health. It is a sorry state of affairs where a person posted in Medical Department is unaware of such a distinction.

11. It is also evident that opposite parties have not taken into account the aspect that petitioner is posted in District Mainpuri since 2021 and therefore to reject his representation on the ground that he was earlier posted at Ayodhya for a period of 13 years, was uncalled for.

12. In the considered opinion of the Court, opposite parties were required to take into account the aspect that in such a disability as is being undergone by petitioner's son, it is not only medical facilities which are required but also an appropriate environment which is also required to be provided as has been recognized by the Government of India in The Rights of Persons with Disabilities Act, 2016.

13. In view of discussions made hereinabove, the reasons indicated in the impugned order dated 17.6.2025 are clearly unsustainable.

14. Considering the aforesaid factors, opposite party no. 1-State of U.P., Secretary, Medical Health and Family Welfare Department, Civil Secretariat, Lucknow is directed to pass appropriate orders regarding posting of petitioner in Ambedkar Nagar in view of report dated 16.5.2025 indicating 12 vacancies on the post of Senior Assistant there. Appropriate directions shall be passed within a period of two weeks from today.

15. Learned State counsel is required to communicate this order to opposite party no. 1.

16. List this case on 23.9.2025 at 2:15 PM in order to enable learned State counsel to bring on record appropriate order passed by opposite party no. 1.

(Manish Mathur,J.)

September 12, 2025
AKK