



2026:AHC-LKO:41962

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 6218 of 2026

Digvijay Kumar Yadav

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy., Vocational Edu.
Skill Deve. And Entrepreneurship Lko. And 2
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prateek Pal Singh, Karunanidhi Yadav
Counsel for Respondent(s)	:	C.S.C.

Court No. - 3

HON'BLE MANJIVE SHUKLA, J.

1. Heard Shri Prateek Pal Singh, learned counsel for the petitioner and learned Additional Chief Standing Counsel for the respondents.
2. The captioned writ petition has been filed by the petitioner assailing therein, the order dated May 31, 2026 passed by Respondent No. 2, whereby petitioner has been transferred from the post of Instructor at District- Lucknow to District- Kannauj.
3. The contention of learned counsel for the petitioner is that the impugned transfer order dated May 31, 2026, insofar as it relates to the petitioner, is in violation of the transfer policy issued by the government vide Government Order dated May 05, 2026, as petitioner's wife is also a government servant and is posted at Lucknow, therefore, he cannot be transferred out of the Lucknow.
4. Learned counsel appearing for the petitioner has also submitted that presently petitioner is an office bearer of a recognized State Level Employees Union and his term is till year 2027, therefore, as per the provisions made in the transfer policy dated May 05, 2026, he cannot be transferred out of Lucknow.
5. Learned counsel appearing for the petitioner has vehemently

argued that once the transfer policy has been framed by the State Government, then it is binding on all authorities and it is not open for them to violate the provisions of the transfer policy, whereas in the case of petitioner, it is apparent that provisions of the transfer policy have been violated.

6. Learned Additional Chief Standing Counsel appearing for the State-respondents, though has opposed this writ petition but could not give any plausible explanation that when there is categorical provision in the transfer policy dated May 05, 2026 that where husband and wife both are in government service, they shall be posted at one station and further if any government servant is holding office in any recognized government employees union, then he shall remain exempted from the transfer, then under what circumstances, petitioner has been transferred from Lucknow to Kannauj.

7. Learned Additional Chief Standing Counsel appearing for the State-respondents very fairly submits that petitioner may prefer a representation before the competent authority and his grievance can be looked into and redressed by the said authority, within a fixed time frame.

8. I have considered the arguments advanced by learned counsels appearing for the parties and prima facie, I find that the order of petitioner's transfer which is impugned in this writ petition violates two categorical provisions made in the transfer policy dated May 05, 2026 i.e. petitioner's wife is a government servant posted at Lucknow and therefore, he should have been accommodated at Lucknow and secondly he at present is office bearer of a State level recognized employees union, therefore, he should have been exempted from transfer.

9. Since learned Additional Chief Standing Counsel appearing for the State-respondents has submitted that petitioner may make a representation and raise his grievance before the competent authority and the same shall be redressed, this writ petition is

finally **disposed of** with liberty to the petitioner to file a fresh representation before Respondent No. 2, within ten days from today and if such representation is filed, Respondent No. 2 is hereby directed to consider and decide the said representation by passing speaking and reasoned order strictly as per provisions made in the transfer policy dated May 05, 2026, within next three weeks.

10. Till the representation filed by the petitioner is decided by the respondents, the impugned order dated May 31, 2026 passed by Respondent No. 2, contained in Annexure No. 1 to the writ petition, so far as it relates to the petitioner, shall remain in abeyance.

(Manjive Shukla,J.)

June 24, 2026

Satish