



2026:AHC:12768

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18322 of 2025

Mohammad Imran

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Kapil Kumar Pandey, Virendra Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Virendra Singh as well as Sri Kapil Kumar Pandey, learned counsel for the writ petitioner as well as Sri Awadhesh Kumar Shukla, learned Standing Counsel.
2. A statement has been made by Sri Awadhesh Kumar Shukla, learned Standing Counsel that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.
3. With the consent of the parties, the writ petition is being decided at the fresh stage.
4. The case of the writ petitioner is that he was selected on the post of Stenographer through a competitive examination held in 2017 and he joined his duty on 15.08.2017 and he stood confirmed on 20.06.2020. On 15.06.2025, an order came to be passed whereby the writ petitioner was transferred from District Aligarh to District Bijnore. On 24.07.2025, the Collector Aligarh relieved the writ petitioner. The writ petitioner thereafter joined the post of Stenographer in the office of Sub-Divisional Officer, Chandpur and in pursuance of the order of the District Magistrate dated 06.10.2025, the Incharge Officer Collectorate proceeded to pass an order transferring the writ petitioner to Nagina. However, he was attached to ERK Patal Collectorate Bijnore.
5. Questioning the attachment order, the present writ petitioner has been preferred.

6. This Court entertained the writ petition on 04.12.2025 seeking instructions from the respondent.

7. Today, instructions have been provided dated 15.12.2025 under the signatures of District Magistrate, Bijnore. Learned counsel for the writ petitioner has argued that the order impugned cannot be sustained for the simple reason that the writ petitioner was not instrumental or in any otherwise played a roll for fabricating the transfer order. Submission is that though FIR came to be lodged against the writ petitioner being Case Crime no.0821 of 2025, under Section 318(4), 336(2), 336 (3), 338, 344, 240(2) and 61(2) of the BNS, however, the writ petitioner was accorded interim order in Criminal Misc. Writ Petition No.22453 of 2025, on 12.12.2025. Further submission is that in a counter affidavit, filed post investigation of the matter by one Pramod Kumar claiming himself to be Inspector, Uttar Pradesh Police Azamgarh wherein the theory so propounded with regard to forged document was bellied. Learned counsel for the writ petitioner submits that whatever might be, the order itself is punitive in nature and further he seeks to rely upon the decision of the Hon'ble Apex Court in ***P.K. Chinnasamy vs. State of Tamilnadu*, (1987) 4 SCC 601**. He submits that the status, which the petitioner enjoys is to be honoured, as he is to be accorded the posting and allocating the work in that regard.

8. Learned Standing Counsel on the other hand submits that whatever might be, there happens to be a fact finding inquiry conducted by the respondents, wherein it was found that the writ petitioner along with the other was instrumental in pressing the forged documents. He however, submits that the claim so set up by the writ petitioner in exceptional circumstances needs to be considered by the Secretary, Revenue, Secretariat, Lucknow.

9. I have heard the submissions so raised across the Bar and perused the records carefully.

10. Facts are not in issue. The only grievance of the writ petitioner is that he had been transferred from the post of Stenographer from the office of Sub-Divisional Officer, Chandpur to office of Sub-Divisional Officer, Nagina, but he has been directed to work on ERK Patal, Commissionerate Bijnore and the work so assigned to him post placement is not commensurate to his status. In ***P.K. Chinnaswamy (supra)***, the following was observed:-

"4. In a democratic polity as ours, the bureaucracy works as the pivot for running the

administration. So far as the State is concerned, matters of policy and the ultimate responsibility for running the administration is obviously on the apex body-the Council of Ministers and the Executive Head-the Governor. It cannot be lost sight of that every public officer is a trustee and in respect of the office he holds and the salary and other benefits which he draws, he is obliged to render appropriate service to the State. The scheme postulates that every public officer has to be given some posting commensurate to his status and circumstances should be so created that he would be functioning so as to render commensurate service in lieu of the benefits received by him from the State. If an officer does not behave as required of him under the law he is certainly liable to be punished in accordance with law but it would ordinarily not be appropriate to continue an officer against a post and provide no work to him and yet pay him out of the Consolidated Fund. It is with this view that we had called upon the respondent-Government to give the appellant a proper posting and extract work from him. Since the State Government has not done the needful, it has become necessary for the Court to interfere. Ordinarily in a case of this type, the Court would have no role to play."

11. Considering the over all facts situation the writ petition stands disposed of directing the writ petitioner to prefer a comprehensive representation along with self-attested copy of the writ petition and certified copy of the order before the Secretary, Revenue, Secretariat, Lucknow, who shall consider the claim of the writ petitioner within a period of two months thereafter. For the same, the writ petitioner shall file the response by 31.01.2026.

12. The counter affidavit, the orders as well as the instructions are taken on record and marked as Appendix 'A', 'B' and 'C'.

January 16, 2026

N.S.Rathour

(Vikas Budhwar,J.)