



2026:AHC:16672

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19665 of 2025

Smt Anuragini Rai And 4 Others

.....Petitioner(s)

Versus

State Of U.P And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhilesh Kumar, Suneel Kumar
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Akhilesh Kumar, learned counsel for the writ petitioner and Sri Rahul Malviya, learned Standing Counsel for the State.

2. Sri Rahul Malviya, learned Standing Counsel has made a statement 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 writ petitioner herein has filed **Writ-A No. 16021 of 2025, Smt. Anuragini Rai vs. State of U.P.**, which came to be disposed of on 30.10.2025, order whereof is extracted hereinunder:-

"1. Heard Sri Akhilesh Kumar, learned counsel for the petitioner and Sri Gaya Prasad, learned Standing Counsel, who appears for State-respondents.

2. The case of the writ petitioner is that they have been posted on the post of ANM and have been transferred to a place which is 70-80 Kms, against the policy of the transfer to take preference.

3. Prayer in the present petition is for a direction to the respondents to consider his grievance.

4. Learned Standing Counsel submits that the claim of the writ petitioner needs adjudication at the first instance by the third respondent, Chief Medical Officer, Azamgarh, U.P.

5. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

6. *Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, who shall on the receipt of the same by 07.11.2025, proceed to decide the claim of the petitioner strictly in accordance with law within a period of one month from the date of presentation of the certified copy of the order. In case the third respondent is of the opinion that the matter is to be decided by some other authorities then the papers shall be transmitted to the same. The benefit of the order till only be available, in case, the writ petitioner joins the post in question.*
7. *Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.*
8. *With the aforesaid observation, the writ petition is disposed off."*

5. Thereafter, the writ petitioner preferred representations on 01.10.2025, 30.09.2025, 03.10.2025, 02.10.2025 and 04.10.2025. However, the order impugned passed by Chief Medical Officer, Azamgarh on 03.12.2025 seeking to post the writ petitioner at a nearby place. Learned counsel for the writ petitioner submits that the representations ought to have been considered and the objections made against the transfer was also liable to be taken note of, but the impugned order has been passed only on the premise that the claim of the writ petitioner stands decided by posting him at a nearby place.

6. Learned Standing Counsel on the other hand submits that the matter needs to be re-examined, particularly when there is no consideration of the representation of transfer.

7. Accordingly, the writ petition is being decided in the following terms:-

- (a) The respondents shall pass fresh orders on the representations so preferred by the writ petitioner within a period of six weeks from today.
- (b) The order dated 03.12.2025 of the Chief Medical Officer shall be subject to and depend upon the final orders to be passed.

8. With the aforesaid observations, the writ petition stands **disposed of**.

January 22, 2026

N.S.Rathour

(Vikas Budhwar,J.)