



2026:AHC:17368

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 891 of 2026

Preeti Pandey

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashish Jaiswal, Sushil Kumar Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri S.K. Mishra, learned counsel for the writ petitioner and Sri Manish Kumar, learned Standing Counsel for the writ petitioner.
2. A statement has been made by Sri Manish Kumar, learned Standing Counsel that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.
3. The case of the writ petitioner is that the writ petitioner was appointed as a Staff Nurse on 13.02.2019, however, by virtue of the order dated 23.04.2025 of the Chief Medical Officer, the writ petitioner has been transferred from CHC Rajgarh to CHC Haliya.
4. Questioning the transfer order, the writ petitioner preferred Writ-A No. 19098 of 2025 which came to be disposed of on 17.12.2025 requiring the respondents to pass an order, thereupon, now the order impugned has been passed in 07.01.2016 by the Chief Medical Officer, Mirzapur negating the claim of the writ petitioner.
5. Assailing the said order, the present writ petition has been preferred.
6. Learned counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained for more than one reason. Submission is that in the representation so preferred by the writ petitioner

against the transfer order, the writ petitioner has taken a ground that the writ petitioner has blessed with two children one is in Class VIIIth and the second is in Class IVth and the transfer had been made in mid of the session. Further submission is that the grand father and grand mother of the writ petitioner are aged about 98 years and transfer would jeopardize and it helped in that regard. It is also submitted that the place whereat the writ petitioner has been transferred is 120 KM. It is also contended that one of the incumbents who is quite junior to the writ petitioner who had joined the post in the year 2019 after the writ petitioner she has been accorded benefit, she has not been dislodged.

7. Learned Standing Counsel, on the other hand, submits that the writ petitioner had no legal right to junior at particular place particularly when she holds the transferred place, however, according to him, the contentions which the writ petitioner have raised in representation has not been considered. He submits that the order be set aside, matter be remitted back to pass a fresh order.

8. I have heard the submission so raised across the bar and perused the record.

9. Though the writ petitioner holds a transferable post and one of the considerations which weighed the respondents in negating the request for being retained in CHC Rajgarh and that the children of the writ petitioner are studying in Sonbhadra. Importantly, on a query so made to the learned counsel for the writ petitioner he has apprised the Court that the school where the children of the writ petitioner are studying is indeed just in the boundary of Mirzapur and Sonbhadra. He further submits that, in case, any further document was required from the writ petitioner, the writ petitioner ought to have been asked to submit in that regard. He also submits that the writ petitioner may not have a right to be posted at a particular place of his choice but the contentions and the objections so raised against the transfer ought to have been considered. Since there is no consideration upon the said aspect of the matter, the order impugned cannot be sustained.

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

(a) the order dated 07.01.2026 passed by Chief Medical Officer, Mirzapur is set aside; (b) matter stands remitted back to the authority to pass a fresh order; (c) the benefit of the order shall only be made applicable once the writ petitioner joins the transferred place would be subject to the final orders to be passed post remand.

11. Accordingly, the writ petition stands disposed of.

(Vikas Budhwar,J.)

January 27, 2026
Rajesh