



2026:AHC:8991

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 19481 of 2025

Ravindra Singh Yadav And 23 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Gunjan Sharma, Namit Kumar Sharma
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Namit Kumar Sharma, learned counsel for the petitioners and Sri Manish Kumar, learned Standing Counsel, who appears for State-respondents.
2. Instructions have been supplied by Sri Manish Kumar, learned Standing Counsel, submits that he is well equipped with the instructions and the instructions are self-sufficient for disposal of the writ petition and he does not propose to file any further affidavit and the petition be decided on the basis of the documents available on record, thus with the consent of the parties, writ petition is being decided at the fresh stage.
3. The case of the writ petitioners is that the parliament enacted an Act known as "National Rural Employment Guarantee Act, 2005" guidelines were also framed in that regard in order to give effect to the aims and the objects of the said Act, a Government order came to be issued on 03.09.2007, according to which, the Technical Assistants who were working in the Gram Panchayat in the particular block, they were transferred from one block to another which was subject matter of challenge in Writ-A No. 9413 of 2022 in which the transfer orders were stayed. Thereafter again now impugned order has been passed whereby the writ petitioners have been transferred from one block to another on 11.12.2025.
4. Learned counsel for the writ petitioners has submitted that as per the Clause-10 (Gha) of the Government order dated 03.09.2007, it has been provided that the posting of Technical Assistants such as the writ petitioners shall be in their respective headquarter i.e. Chetra Panchayat Vikash Khand.

He submits that the transfer order can only be made once there are complaints against the individual Technical Assistant. He submits that the writ petitioners could not have been transferred as they are contractual employee. He seeks to rely upon the judgment in **Writ-A No. 5473 of 2022 (Chandraesh Kumar Pal v. State of U.P. and 7 others)**, decided on 18.10.2023.

5. Learned Standing Counsel submits that the claim of the writ petitioners needs adjudication at the first instance by the second respondent, District Magistrate/ District Program Coordinator, MGNREGA, Mau.

6. I have heard learned counsel for the parties and gone through the records carefully.

7. In **Chandraesh Kumar Pal (supra)**, the following orders were observed as under:

"1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Petition has been filed challenging orders dated 30th June, 2022, 18th August, 2022 and 25th January, 2021 whereby petitioner has been transferred from one block to another in the same district as well as relieved for joining. Order dated 25th January, 2021 has been challenged on the ground that it is in contravention to the government order dated 3rd September, 2007. Paragraph 10(Gha) of the government order dated 3rd September, 2007 is as follows:-

"तकनीकी सहायको का मुख्यालय सम्बन्धित क्षेत्र पंचायत विकास खण्ड होगा।"

3. It has been submitted that since the government order has clearly indicated a specific provision regarding posting of Technical Assistants such as petitioner, the same can not be violated as has been done by subordinate officers by means of impugned orders, which are therefore without jurisdiction.

4. Learned State Counsel on the basis of counter affidavit filed has however submitted that due to vacancies on the post of Technical Assistants in a district and for purposes of filling up such vacancies, options were received from Technical Assistants for adjustment whereafter such posting has been given on the basis of their options such as in the case of petitioner who has been provided such posting on the basis of his own option in the interest of administrative work. It is also submitted that under Clause 13 of government order dated 3rd September, 2007, there is provision to remove Technical Assistants for financial irregularity committed by him but petitioner has been adjusted from block Madhoganj to Block Sandila on his consent.

5. Upon consideration of submissions advanced by learned counsel for parties, it is quite evident that paragraph 10(Gha) of the government order dated 3rd September, 2007 clearly requires posting of petitioner on the post of Technical Assistant under MGNREGA Scheme only in the block where he is appointed. In pursuance thereof, petitioner was posted at his original place but has subsequently been adjusted/transferred elsewhere allegedly on his own consent.

6. It is settled law that there can not be any estoppel against law and once government order dated 3rd September, 2007 provides for a particular place of posting of petitioner, the same can not be deviated from by subordinate authorities while passing administrative orders. Such deviation is clearly against the hierarchy of authorities and is against the provisions of law.

7. Paragraph 13 of the government order dated 3rd September, 2007 relied to upon by learned State Counsel does not have any applicability in the present circumstances since the same pertains to removal of Technical Assistant for financial irregularity committed by him. In the present case there is no such allegation of financial irregularity against petitioner and therefore in the considered opinion of this Court, Clause 13 of the government order dated 3rd September, 2007 does not empower opposite parties to post petitioner elsewhere in another block as has been done by the impugned orders.

8. It is also evident that in similar circumstances, such transfer orders have been quashed vide order dated 30th August 2018 passed in writ petition No. 19509 (S/S) of 2018 as well as writ A No. 14905 of 2018, *Uma Shanker Gupta versus State of U.P. and others*.

9. In view of aforesaid, it is evident that in view of paragraph 10(Gha) of the government order dated 3rd September, 2007, the petitioner was required to be posted in the place indicated and there was no provision under which he could have been transferred.

10. Considering aforesaid facts, the impugned orders dated 30th June, 2022, 18th August, 2022 and 25th January, 2021 are quashed by issuance of a writ in the nature of Certiorari with a further writ in the nature of Mandamus commanding opposite parties to post petitioner in his original block i.e. Madhoganj forthwith.

11. Resultantly the petition succeeds and is allowed."

8. Though as per the instructions produced by learned Standing Counsel of the Chief Development Officer, Mau transfer can be effectuated once there are complaints since it is not forthcoming from the order in question that there has been complaint against the writ petitioners, thus the matter needs to be decided at the first instance by second respondent.

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

10. 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 petitioners to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, who shall on the receipt of the same by 22.01.2026, proceed to decide the claim of the petitioners strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order. In case the second 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.

11. Till the representation is decided, the writ petitioners shall not be relieved if already not relieved.

12. Instructions filed today are taken on record as marked as appendix A.

13. In the event of default of any of the conditions by the writ petitioners as referred to above, the protection shall not be applicable.

January 14, 2026

A. Prajapati

(Vikas Budhwar,J.)