



2026:AHC:5212

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17598 of 2025

Subash Chand Chauhan

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Balendra Deo Misra, Tarak Nath Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri B.D. Mishra, learned counsel for the writ petitioner and Sri B.K. Srivastava, learned Additional Chief Standing Counsel for the State.
2. The case of the writ petitioner is that pursuant to the enactment of National Rural Livelihood Scheme in the year 2010, the writ petitioner was engaged on contractual basis on the post of Block Mission Management in Block Bhiwan, District Ambedkarnagar on 25.07.2019. According to the writ petitioner, now, impugned order has been passed on 01.07.2025 by the District Magistrate, Ballia, third respondent whereby the writ petitioner has been transferred from Block Nawanagar to Block Belhari.
3. Questioning the said transfer order, the present writ petition has been preferred.
4. This Court entertained the writ petition on 21.11.2025 sought instructions. Thereafter, the matter was taken up on 10.12.2025 wherein the writ petitioner was required to file supplementary affidavit which is available on record.
5. Learned counsel for the writ petitioner has sought to argue that in view of the circular dated 18.08.2023 the contractual employee cannot be transferred from one block to another. Submission is that the block in which the petitioner is being transferred is 100 km away. He seeks to rely upon a decision of a Coordinate Bench in **Manjula Rai Vs. State of U.P.** : **Writ-A No. 1961 of 2025** decided on 24.02.2025 whereby it was held

that in view of the circular dated 18.08.2023 contractual employees cannot be transferred.

6. Learned Standing Counsel, as per the instructions received by him from District Magistrate, Ballia dated 08.12.2025, has sought to argue that there happens to be a circular dated 23.08.2023 according to which on the request of the Mission Director, the State has itself provided that there is no transfer policy of the contractual employees. He further seeks to rely upon a circular dated 01.12.2023 which even in fact takes note of the circular dated 23.08.2023 according to which in special circumstances a contractual employee can be transferred. He submits that in Block Nawanagar there are 50 Gram Panchayat and total 4 Block Mission Managers are working and in Belhari there is only one Block Manager that is why the writ petitioner has been transferred. He, thus, submits that there exists special circumstances occasioning taking of the said decision. Learned counsel for the writ petitioner in rejoinder to the same has relied upon the supplementary affidavit and according to him the said factual position being so placed by the Standing Counsel is not correct and he relies upon the chart Annexed therein. According to him, there are only 31 villages and not 50 villages and in Nawanagar there are 3 block Mission Managers qua 50 villages.

7. I have heard the submission so made across the bar and perused the record carefully.

8. Apparently, the writ petitioner is a contractual employee, much emphasis has been placed upon the circular dated 23.08.2023 that the contractual employees whereas the learned Standing Counsel relies upon the circular dated 23.08.2023 and 01.09.2023. The question whether there exists exceptional circumstances or not in view of the intervening facts and circumstances that the writ petitioner disputes the figure so placed by the Standing Counsel, thus, a decision at the first instance is to be taken by the District Magistrate, third respondent, thus, the writ petition stands disposed of directing the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition, certified copy of the order before the third respondent, District Magistrate, Ballia by **16.01.2026**. Thereafter, the second respondent shall decide the claim

of the writ petitioner within a period of two months

9. Till a decision is taken, the writ petitioner shall not be dislodged on the post of Block Manager in Nawanagar if he had not been relieved.

10. Instructions filed today are taken on record and marked as Appendix 'A'.

(Vikas Budhwar,J.)

January 8, 2026

Rajesh