



2026:AHC:14768

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 627 of 2026

Smt. Kusum Devi W/O Murari Singh

.....Petitioner(s)

Versus

The State Of U.P. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Shahanshah Khan
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Mohd. Shahanshah Khan, learned counsel for the petitioner and Sri R.S. Umrao, learned Standing Counsel, who appears for State-respondents.

2. The case of the writ petitioner is that the petitioner had earlier approached this Court while filing Writ-A No. 19274 of 2025, in which on 19.12.2025, the following orders were passed:

"1. Heard Sri Mohd. Shahanshah Khan, learned counsel for the petitioner and Sri Manish Kumar, learned Standing Counsel, who appears for State-respondents.

2. The case of the writ petitioner is that she is posted as Staff Nurse in Community Health Centre, Chunar, district Mirzapur. However, she has been transferred on 28.11.2025 by the Chief Medical Officer, Mirzapur to Community Health Centre, Kachhawan, District Mirzapur.

3. Learned counsel for the petitioner has submitted that the impugned transfer order has been based upon the order passed in P.I.L. No. 15238 of 2018, (Pankaj Mishra v. Union of India and others) and according to the petitioner, the petitioner is blessed with two children namely, Krishu Singh, a class eighth student, and Aditi Singh, a class tenth student, who were studying in St. Thomas School, Chunar, Mirzapur. Learned counsel for the petitioner submits that it is a mid-session transfer and the petitioner would join the place of transfer after the sessions is over.

4. Learned Standing Counsel submits that the claim of the writ petitioner needs adjudication at the first instance by the fifth respondent, Chief Medical Officer, District Mirzapur.

5. 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 fifth respondent, who shall on the receipt of the same by 31.12.2025, annexing therewith the documents showing and fortifying the fact that the children of the petitioner are already staying and on the said motion, proceed to decide the claim of the petitioner strictly in accordance with law within a period of 15 days from the date of presentation of the certified copy of the order. In case the fifth 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.

6. Till the disposal of the representation, the petitioner shall not be compelled to join the transfer place.

7. With the aforesaid observation, the writ petition is disposed off."

3. Post passing of the order, the writ petitioner claims to have submitted a representation before the authority which now has been rejected on 07.01.2026 by the fifth respondent, Chief Medical Officer, District Mirzapur.

4. Learned counsel for the petitioner submits that though by virtue of filing of a representation along with self attested copy of the writ petition, the writ petitioner approached the respondents for consideration of the claim for being retained in a place where the writ petitioner is already working taking aid of the mid sessions transfer while showing the testimonials of the two children of the writ petitioner but with the stroke of pen, the claim has been considered without considering the fact that there happens to be school certificates and other documents showing that they cannot be a mid sessions transfer, particularly, the children are already staying in class eight and class tenth. He further submits that the protection be accorded for not being transferred till the end of the sessions.

5. Learned Standing Counsel has no objection.

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

7. The bone of contention between the parties is whether the petitioner has submitted self-attested copy of the writ petition and educational testimonials of their children.

8. At this juncture, Shri R.S. Umrao, learned Standing Counsel submits that till 31.03.2026, protection be accorded.

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

10. Considering the submissions so made and bearing in mind the fact that the writ petitioner's two children namely, Krishu Singh, a class eight student and Aditi Singh, a class tenth student, thus, the writ petitioner shall submit an undertaking before the fifth respondent by 27.01.2026 that the writ petitioner will join the transferred place by 01.04.2026.

11. Till 31.03.2026, the writ petitioner's family shall not be dispossessed with.

12. The benefit of the present order shall only be available in those contingencies wherein the writ petitioners stick to the timeline, and in case of any default, the protection shall stand vacated without reference to the bench.

13. With the aforesaid observation, the writ petition is **disposed off**.

14. It is always open for the writ petitioner to raise grievance for the payment of salary which has not been paid to the writ petitioner before the respondents-authority.

January 21, 2026

A. Prajapati

(Vikas Budhwar,J.)