



2026:AHC:18631

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 188 of 2026

Wasi Ahmad Khan

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Gulrez Khan, Pervez Husain Khan
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

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

2. 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 petitioner is that the he was appointed as Urdu Translator-cum-Junior Clerk on 28.02.1995. Subsequently, the said post stood upgraded on 08.05.2007 and the writ petitioner was appointed as Urdu Translator-cum-Senior Clerk thereafter the writ petitioner was confirmed as Urdu Translator-cum-Senior Clerk. According, to the writ petitioner, an order came to be passed on 04.11.2025 by the District Development Officer, Badaun transferring the writ petitioner from Kadarchowk to Vikas Khand Islam Nagar.

4. Questioning the same, the writ petitioner has been filed the present writ petition.

5. This Court entertained the writ petition on 13.01.2026 seeking response from the respondents.

6. Post passing of the order, today instructions have been forwarded under the signature of District Development Officer, Badaun dated 22.01.2026

which is taken on record and marked as Appendix A.

7. Learned counsel for the writ petitioner has submitted that the impugned transfer order insofar as relates to the writ petitioner cannot be sustained for the simple reason that there happens to be a transfer policy dated 06.05.2025, according to which, the transfer is to be made relatable to the period from 15.05.2025 to 15.06.2025 as per Clause-7 of the transfer policy and in case transfer is made beyond the cut off then the approval of the Ministers to be taken. He further submits that here the transfer order has been passed on 04.11.2025 which is the beyond the cut off date and there need to be approval of the Minister concerned. Learned counsel for the writ petitioner submits that the writ petitioner is not in a position to join the transfer place, particularly, when he is suffering from medical ailment and there are certain problems.

8. Sri Manish Kumar, learned Standing Counsel on the other hand submits that it is not a transfer but a posting and according to him, the requirement of Minister's approval is not initiated.

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

10. The transfer policy dated 06.05.2025 regulates the manner and the mode, according to which, the transfer is to be made.

11. Clause 3(i) and 3(iii) reads as under:

"(i). समूह 'ग' के कार्मिकों के स्थानान्तरण संबंधित विभागाध्यक्ष के अनुमोदन से किये जा सकेंगे।

(iii). स्थानान्तरण सत्र की अवधि की समाप्ति के उपरान्त अपरिहार्य परिस्थितियों में समूह 'ग' एवं समूह 'घ' के स्थानान्तरण विभागीय मंत्री का अनुमोदन प्राप्त कर किये जा सकेंगे।"

12. Clause 5(i) also reads as under:

"(i) प्रशासनिक दृष्टि से आवश्यकतानुसार कभी भी स्थानान्तरण किये जा सकेंगे परन्तु इस संबंध में स्थानान्तरण नीति के अनुसार सक्षम स्तर का अनुमोदन प्राप्त किया जायेगा।"

13. Clause 7 and 8 reads as under:

"7. वर्तमान स्थानान्तरण सत्र 2025-2026 में शासन स्तर, विभागाध्यक्ष स्तर, मण्डल स्तर एवं जिला स्तर के समस्त स्थानान्तरण दिनांक 15 मई, 2025 से प्रारम्भ करते हुए दिनांक 15 जून, 2025 तक पूर्ण कर लिये जाये।

8. यदि किसी विभाग द्वारा विभाग की विशिष्ट आवश्यकताओं यथा स्थानान्तरण समय में परिवर्तन, भौगोलिक आवश्यकताओं अथवा किसी विशिष्ट योजना के संदर्भ में स्थानान्तरण नीति में कोई परिवर्तन अपेक्षित हो, तो मा० विभागीय मंत्री के माध्यम से मा० मुख्यमंत्री का अनुमोदन प्राप्त कर लिया जाय।"

14. A bare look of the transfer policy would reveal that the transfer is normally to be made within the cut off date and in case the transfer is made beyond the cut off date then approval of Minister is to be required.

15. On a pointed query being raised to learned Standing Counsel whether there is approval of Minister, the answer is in negative. However, he submits that the claim of the writ petitioner needs adjudication at the first instance by the first respondent, State of U.P., Secretary Gram Vikas U.P, Lucknow.

16. To such a submission, learned counsel for the petitioner submits that the writ petitioner shall approach the first respondent but protection be accorded till the disposal of the claim.

17. 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 first respondent, who shall on the receipt of the same by 06.02.2026, 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.

18. Till the disposal of the representation, the writ petitioner shall not be relieved.

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

January 28, 2026

Ashu

(Vikas Budhwar,J.)