



2026:AHC:19419

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 4500 of 2023 (Leading)

Renu Singh
.....Petitioner(s)
Versus
State Of U.P. And 3 Others
.....Respondent(s)

Counsel for Petitioner(s)	:	Kripa Shankar Pandey
Counsel for Respondent(s)	:	C.S.C.

with

WRIT - A No. - 8690 of 2025 (Connected C1)

Renu Singh
.....Petitioner(s)
Versus
State Of U.P. And 5 Others
.....Respondent(s)

Counsel for Petitioner(s)	:	Kripa Shankar Pandey
Counsel for Respondent(s)	:	C.S.C.

and

WRIT - A No. - 12622 of 2025 (Connected C2)

Renu Singh
.....Petitioner(s)
Versus
State Of U.P. And 4 Others
.....Respondent(s)

Counsel for Petitioner(s)	:	Kripa Shankar Pandey
Counsel for Respondent(s)	:	C.S.C.

and

WRIT - A No. - 17436 of 2025 (Connected C3)

Renu Singh
.....Petitioner(s)
Versus
State Of U.P. And 3 Others
.....Respondent(s)

Counsel for Petitioner(s) : Kripa Shankar Pandey
Counsel for Respondent(s) : C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Kripa Shankar Pandey, learned counsel for the writ petitioner in leading, connected C-1, connected C-2 and connected C-3 petitions as well as Sri Gaurav Singh and Sri Prashant Kumar Mishra, learned Standing Counsel for the State.

2. A joint statement has been made by learned counsel for the parties that they do not propose to file any affidavit and the writ petitions be decided on the basis of the documents available on record.

3. With the consent of the parties, the writ petitions be decided at the admission/fresh stage.

4. The case of the writ petitioner is that the writ petitioner was appointed as Hostel Superintendent, in Social Welfare Department for Government Scheduled Caste Hostel in the pay-scale of 4500-125-7000 (old pay-scale) on 26.08.2010 in district Mirzapur. As per the writ petitioner, she became a victim of sexual harassment by the officers in hierarchy, thus she had no option but to make complaint to Senior Superintendent of Police, Prayagraj on 14.05.2022. Being aggrieved against the complaint so lodged by the writ petitioner, an FIR was lodged against her in the police station Hazratganj, Lucknow being Case Crime no.0171 of 2022, under Sections 384, 504, 506 IPC read with Section 66 of Information Technology Act, 2008. The writ petitioner faced with the criminal proceedings so lodged against her had no option but to prefer Criminal Misc. Writ Petition No.3076 of 2022, *Renu Singh vs. State of U.P.* in which on 26.05.2022, the following orders were passed:-

"Order on Amendment Application

Heard learned counsel for the petitioner.

The amendment application is allowed.

Learned counsel for the petitioner is directed to carry out the amendments during course of the day.

Order in the memo of petition

Supplementary affidavit has been filed which is taken on record.

By way of instant petition, the petitioner has prayed for issuance of writ in the nature

of Certiorari quashing the impugned first information report/Case Crime No.0171/2022, under Sections 384, 504, 506 I.P.C. & 66 Information Technology (Amendment) Act, 2008 registered at P.S. Hazratganj, District Lucknow.

Instructions were required to be submitted for which ample time was given. However, no instruction has been obtained. In reply, it has been submitted by the learned Additional Government Advocate that a letter was sent to the authorities concerned in this matter on 24.05.2022 but no response was received.

In view of above, we are constrained to proceed further with the case assuming it that the authorities concerned have nothing to say at this juncture.

We have heard learned counsel for the petitioner, the learned Additional Government Advocate appearing for the State-Respondents and perused the record.

It is submitted that a bare perusal of the F.I.R. will make it obvious that allegations made against the petitioner are completely vague and obtuse in nature and even otherwise do not make out a case in terms of the Sections imputed against the petitioner. It is submitted that the F.I.R. has been lodged as a retaliatory measure in view of earlier allegations made by the petitioner against certain departmental persons in her letter dated 14.05.2022 addressed to the Senior Superintendent of Police, Prayagraj, which is on record as Annexure no.18 to the writ petition.

A perusal of Annexure SA-1 to the supplementary affidavit is indicative of fact that some direction dated 19.05.2022 has been issued by the Director of Social Welfare, Government of U.P., Lucknow for medical examination as per the Mental Health Care Act, 2017 of the petitioner.

However, we have had a detailed interaction with the petitioner Renu Singh, who has appeared in person in Court. Nothing adverse surfaced or came to our knowledge but the petitioner was sane, cool and lucid during course of interaction. Therefore, this direction dated 19.05.2022 to the Senior Superintendent of Police, Prayagraj shall not be given effect to till further orders. This practice is highly deprecated in order to malign image of a citizen/petitioner as such without recording any subjective satisfaction pertaining to any deviant behaviour of the petitioner.

The supplementary affidavit brought on record and the contents of the petition by itself indicate some malafide generated by the authorities concerned against the petitioner.

Petitioner Renu Singh is a lady of 46 years and she has alleged harassment by the higher authorities and import to the effect is very much perceptible from the contents of the material brought before us by way of letter sent by the petitioner, Renu Singh dated 14.05.2022 addressed to the Senior Superintendent of Police, Prayagraj contained in Annexure-18 to the petition. It appears that this letter fell on deaf ears and no worthy action was taken. Upon perusal perusal of the letter dated 14.05.2022, it is evident that very serious allegations have been levelled by the petitioner against higher authorities of the department, which cannot be taken lightly. Now we direct that due enquiry in the light of aforesaid letter should be initiated and the Chief Secretary, U.P. shall supervise the matter. It is directed that except Chief Secretary,

Government of U.P., no-one else shall interfere in the matter.

In view of the above, we Direct the Chief Secretary, Government of U.P. to take cognizance of the matter and to enquire into the allegations of harassment against the officers concerned as raised by the petitioner, Renu Singh without forcing her in any manner to come to terms with the officers and it shall be the duty of the Chief Secretary, Government of U.P., Lucknow to ensure fair justice to the petitioner and in case of any harassment of the petitioner occasioned by higher officers of the department, whosoever he may be, prompt action should be taken and must be reported to this Court. We will keep the matter alive till the process is over.

A copy of this order may be sent by the Senior Registrar of this Court to the Chief Secretary Government of U.P. for ensuring compliance without fail, for which we accord three months' time.

In view of the above facts and circumstances, we permit the petitioner to implead Mr. Himanshu Kumar, Principal Secretary, Social Welfare Department, Lucknow U.P. as well as Mr. Rakesh Kumar, Director, Social Welfare Department, Lucknow U.P. as respondents 4 & 5 to the writ petition.

The matter requires our consideration and scrutiny.

Learned A.G.A. has accepted notice on behalf of opposite parties 1 to 3.

Issue notice to opposite parties 4 and 5. Opposite party no.5 shall show cause on what count he directed mental check-up of the petitioner by issuing letter dated 19.05.2022. He is required to file his personal affidavit in the matter.

Learned State Counsel is granted four weeks' time to file counter affidavit. Opposite parties 4 and 5 may also file counter affidavit within the same time period. Rejoinder affidavit, if any, may be filed within next two weeks.

List this case on 06.09.2022.

Until further orders, the investigation may go on but the petitioner shall not be arrested pursuant to first information report/Case Crime No.0171/2022, under Sections 384, 504, 506 I.P.C. & 66 Information Technology (Amendment) Act, 2008 registered at P.S. Hazratganj, District Lucknow."

5. Thereafter, an enquiry committee stood constituted on the basis of the complaint so lodged by the writ petitioner, in terms of Rules framed under Sexual Harassment of Women At Work Place (Prevention, Prohibition and Redressal) Act, 2013. The writ petitioner also preferred Writ-A No.4925 of 2022 before the Lucknow Bench of this Court, in which on 06.08.2022, the following orders were passed:-

"Heard Ms. Chhaya learned counsel for the petitioner as well as Shri Kuldeep Pati Tripathi, learned Additional Advocate General on behalf of the State.

This Court by means of order dated 05.8.2022 has taken into account the directions passed by the Division Bench of this Court in Writ Petition No.3076 of 2022 where the Division Bench was of the view that the Chief Secretary, Government of U.P. was to

take cognizance of the matter and to enquire into the allegations of harassment against the officers concerned as raised by the petitioner ? Renu Singh without forcing her in any manner to come to terms with the officers and it shall be the duty of the Chief Secretary, Government of U.P., Lucknow to ensure fair justice to the petitioner and in case of any harassment of the petitioner occasioned by higher officers of the Department, whosoever he may be, prompt action should be taken and must be reported to this Court.

In view of the aforesaid directions the State was called upon to inform this Court as to whether any action is being sought to be taken by the authority other than the Chief Secretary. Shri Kuldeep Pati Tripathi, learned Additional Advocate General has informed this Court very categorically that all the complaints given by the petitioner are being processed and shall be duly forwarded to the Chief Secretary. He has assured this Court that it is the Chief Secretary who shall consider the matter and take appropriate action in the matter, if so required.

Learned counsel for the petitioner at this stage also submits that her grievance are substantially redressed in light of the statement given by the Additional Advocate General.

Considering the fact that it is only the seniormost authority of the State as submitted by the learned Additional Advocate General who shall look into the grievance of the petitioner, no further order is required to be passed.

This petition is disposed of in terms of the statement given by the learned Additional Advocate General."

6. Thereafter an order came to be passed on 27.08.2022 whereby the attachment orders so issued in favour of the writ petitioners was cancelled, which was subject matter of challenge in Writ-A No.7575 of 2022, *Renu Singh vs. State of U.P.*, in which on 18.05.2022, following orders were passed:-

"Heard Miss Chhaya Gupta, learned counsel for petitioner and learned Standing Counsel representing respondents 1 to 6.

Challenge in this writ petition is to the order dated 27.4.2022 passed by respondent 2 Director Social Welfare, U.P., Lucknow (Annexure 1 to the writ petition) as well as consequential order dated 28.4.2022 passed by respondent 4 Regional Deputy Director, Social Welfare, Prayagraj (Annexure 2 to the writ petition).

Record shows that petitioner was initially appointed as Hostel Superintendent in the Department of Social Welfare, vide notification dated 16.12.2016. While the petitioner was in service, she was handed over the charge of officiating Superintendent along with financial and administrative powers of Rajkiya Ashram Paddhati Balika Vidyalaya Kaurihar, Prayagraj.

While the petitioner was working as noted above, respondent 2 Director Social Welfare Department, U.P. at Lucknow has taken a policy decision, vide order dated

27.4.2022.

Perusal of order dated 27.4.2022 goes to show that a policy decision has been taken that in no circumstance, the charge of the Office of the Principal be handed over to members of another cadre, but only the senior most teacher. As a consequence of above, respondent 4 passed order dated 28.4.2022, whereby the additional charge given to the petitioner as Superintendent In-charge of Rajkiya Ashram Paddhati Balika Vidyalaya Kaurihar, Prayagraj with all financial and administrative powers has been withdrawn.

Learned counsel for petitioner contends that the orders impugned in the present writ petition are manifestly illegal. Petitioner was handed over the charge of In-charge Superintendent with all financial and administrative powers pursuant to order dated 16.8.2019 passed by District Social Welfare Officer, Prayagraj. No illegality was found to have been committed by the petitioner. No irregularity in the order dated 16.8.2019 has also been pointed out in the consequential order dated 28.4.2022. It is otherwise contended that the directions contained in the order dated 27.4.2022 are erroneous, inasmuch as the classification made is not based upon intelligent differentia.

Per contra, the learned Standing Counsel has opposed this writ petition. He contends that the decision taken by the Director, Social Welfare Department, U.P. Lucknow, vide his order dated 27.4.2022 is a policy decision. The parameters of review of a policy decision are parochial than parameters for review of administrative action. Petitioner has failed to establish that policy decision taken by the Director Social Welfare Department, U.P. Lucknow is rapacious or otherwise contrary to part 3 of the Constitution of India. As such, the order impugned does not call for any interference. Having heard learned counsel for petitioner, learned Standing Counsel and upon perusal of record, this Court find that classification made in the order dated 27.4.2022 is based upon intelligence differentia. It has reasonable reason with the subject and object of classification.

This being the position, this Court does not any good or justifiable ground to entertain the present writ petition. The writ petition fails and is liable to be dismissed.

It is, accordingly, dismissed."

7. Being aggrieved against the same, the writ petitioner preferred intra-court appeal being Special Appeal Defective No. 477 of 2022 (O & M), *Renu Singh vs. State of U.P. and others*, in which on 06.02.2023, following orders were passed: -

"1. Learned counsel for the respondents submitted that the petitioner will be posted in Sant Ravi Das Nagar Girls Hostel, Badohi where the post of the cadre appellant exists.

2. In view of the aforesaid stand taken by the learned counsel for the respondents, the present appeal is disposed of modifying the impugned order passed by the learned

Single Judge to that extent."

8. However, off late on 28.02.2023, an order came to be passed by the Director, Social Welfare Department, U.P. Lucknow transferring the writ petitioner from Allahabad/Prayagraj to Sant Ravidas Nagar. The said order was subject matter of challenge in the leading writ petitioner. On 24.03.2023, this Court proceed to pass detailed interim order, which is quoted herein:-

"It is submitted by learned counsel for the petitioner that the petitioner is posted as Hostel Superintendent in Rajkiya Anusuchit Jati (Balika) Chhatravas situated at Allahabad University Campus governed by the Social Welfare Department, Prayagraj. It is further submitted by learned counsel for the petitioner that at an earlier point of time complaint with regard to sexual harassment was made by the petitioner against the higher officers on 14.5.2022 to the Senior Superintendent of Police, District Prayagraj, however, no action was taken and thereafter a First Information Report was lodged against the petitioner under Sections 384, 504, 506 I.P.C. and Section 66 of the Information Technology Act, 2008. It is further submitted by learned counsel for the petitioner that the aforesaid First Information Report was subject matter of challenge before this Court in Criminal Misc. Writ Petition No. 3076 of 2022 wherein the order was passed staying the arrest of the petitioner in pursuance to the aforesaid criminal case. Further by order dated 19.5.2022, the petitioner was directed to be medically examined for mental health. The aforesaid direction was also stayed by this Court by order dated 26.5.2022. The petitioner had appeared before the Division Bench of this Court and following observations were made:-

"We have heard learned counsel for the petitioner, the learned Additional Government Advocate appearing for the State-Respondents and perused the record.

It is submitted that a bare perusal of the F.I.R. will make it obvious that allegations made against the petitioner are completely vague and obtuse in nature and even otherwise do not make out a case in terms of the Sections imputed against the petitioner. It is submitted that the F.I.R. has been lodged as a retaliatory measure in view of earlier allegations made by the petitioner against certain departmental persons in her letter dated 14.05.2022 addressed to the Senior Superintendent of Police, Prayagraj, which is on record as Annexure no.18 to the writ petition.

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However, we have had a detailed interaction with the petitioner Renu Singh, who has appeared in person in Court. Nothing adverse surfaced or came to our knowledge but the petitioner was sane, cool and lucid during course of interaction. Therefore, this direction dated 19.05.2022 to the Senior Superintendent of Police, Prayagraj shall not

be given effect to till further orders. This practice is highly deprecated in order to malign image of a citizen/petitioner as such without recording any subjective satisfaction pertaining to any deviant behaviour of the petitioner.

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Petitioner Renu Singh is a lady of 46 years and she has alleged harassment by the higher authorities and import to the effect is very much perceptible from the contents of the material brought before us by way of letter sent by the petitioner, Renu Singh dated 14.05.2022 addressed to the Senior Superintendent of Police, Prayagraj contained in Annexure-18 to the petition. It appears that this letter fell on deaf ears and no worthy action was taken. Upon perusal of the letter dated 14.05.2022, it is evident that very serious allegations have been levelled by the petitioner against higher authorities of the department, which cannot be taken lightly. Now we direct that due enquiry in the light of aforesaid letter should be initiated and the Chief Secretary, U.P. shall supervise the matter. It is directed that except Chief Secretary, Government of U.P., no-one else shall interfere in the matter.

In view of the above, we Direct the Chief Secretary, Government of U.P. to take cognizance of the matter and to enquire into the allegations of harassment against the officers concerned as raised by the petitioner, Renu Singh without forcing her in any manner to come to terms with the officers and it shall be the duty of the Chief Secretary, Government of U.P., Lucknow to ensure fair justice to the petitioner and in case of any harassment of the petitioner occasioned by higher officers of the department, whosoever he may be, prompt action should be taken and must be reported to this Court. We will keep the matter alive till the process is over.

A copy of this order may be sent by the Senior Registrar of this Court to the Chief Secretary Government of U.P. for ensuring compliance without fail, for which we accord three months' time.

In view of the above facts and circumstances, we permit the petitioner to implead Mr. Himanshu Kumar, Principal Secretary, Social Welfare Department, Lucknow U.P. as well as Mr. Rakesh Kumar, Director, Social Welfare Department, Lucknow U.P. as respondents 4 & 5 to the writ petition.

The matter requires our consideration and scrutiny.

Learned A.G.A. has accepted notice on behalf of opposite parties 1 to 3.

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Learned State Counsel is granted four weeks' time to file counter affidavit. Opposite parties 4 and 5 may also file counter affidavit within the same time period. Rejoinder affidavit, if any, may be filed within next two weeks.

List this case on 06.09.2022.

Until further orders, the investigation may go on but the petitioner shall not be

arrested pursuant to first information report/Case Crime No.0171/2022, under Sections 384, 504, 506 I.P.C. & 66 Information Technology (Amendment) Act, 2008 registered at P.S. Hazratganj, District Lucknow."

It is submitted that in pursuance to the aforesaid direction passed on 26.5.2022 by Division Bench of this Court the Chief Secretary, Government of Uttar Pradesh was directed to inquire into the matter with regard to allegations of harassment against the officers by the petitioner. Even though directions have been issued till date nothing has been finalized although the petitioner has appeared three times before the Chief Secretary. Learned counsel for the petitioner further submits that now order of transfer has been passed against the petitioner. He submit that instead of inquiring into the allegations of harassment, the authority concerned have passed an order of transfer against the petitioner although the order impugned states that the order is on administrative ground. However, once an enquiry into the allegations of sexual harassment is going on against the higher officers then the transfer of the petitioner, at this stage, may not be tenable specifically in view of the fact that the enquiry is already going on.

Learned Standing Counsel for the State prays for and is granted time to produce the enquiry report and action taken in pursuance to the direction issued by this Court by order dated 26.5.2022. In case, the enquiry has not been finalized, the Chief Secretary, Government Uttar Pradesh or any competent officer (not below the rank of Secretary, Government of Uttar Pradesh) authorized by him shall file his personal affidavit as to why the order of this Court dated 26.5.2022 has not been complied with and why the enquiry has not been completed in a time bound manner when such a serious allegation has been made by the female employee against her superior officers.

It is to be noted that the State Government is bound to protect the female employees from any sexual harassment at work place and in case any such allegations are raised, the authorities are expected to take immediate action in this respect.

List on 28.3.2023 as fresh.

Till the next date of listing, the effect and operation of the impugned transfer order dated 28.2.2023 passed by respondent no. 2 shall remain stayed."

9. According to the writ petitioner, an order came to be passed on 13.06.2025 by the first respondent, Principal Secretary, Social Welfare, Secretariat U.P. Lucknow transferring the writ petitioner from Prayagraj to District Kanpur Dehat. Assailing the said transfer order, the writ petitioner filed connected C-1 writ petition, in which on 04.07.2025, the following orders were passed:-

"1. The submission advanced by learned counsel for the petitioner is that the petitioner was transferred on the basis of complaint which upon enquiry being made into the matter was found to be bogus and false and hence, the order of transfer was

liable to be quashed.

2. Learned Standing Counsel seeks time to have instruction in the matter.

3. List this case on 05.08.2025."

10. On 14.07.2025, the order dated 04.07.2025 was corrected and the following orders were passed:-

"In Re: Correction application

Heard.

This correction application has been moved to correct my order dated 4th July, 2024, due to inadvertence the stay part of the order was though noted down on the second leaf of the note book of the stenographer but was not typed.

In view of above correction application is allowed.

After paragraph 3, paragraph no. 4 is inserted afresh, which would run as under:

"In the meanwhile, until further orders of this Court, petitioner shall not be relieved pursuant to transfer order dated 13.6.2025, if he has not been relieved.""

11. Since according to the writ petitioner, she was not relieved as she had proceeded on casual leave and medical leave, the respondents by virtue of the order dated 17.06.2025 relieved the writ petitioner in absentia. Thereafter, the writ petitioner herein preferred connected-C2 petition seeking mandamus directing the fifth respondent in the said writ petition being District Social Welfare Officer, Department of Social Welfare, Vikas Bhawan, Prayagraj to permit the writ petitioner to sign on the register as the transfer order dated 13.06.2025 has never been served, as there was no question of relieving the writ petitioner, another writ petition being connected C-3 writ petition also came to be preferred by the writ petitioner for a direction commanding the District Social Welfare Officer, Prayagraj to permit the writ petitioner to sign the register and to allocate work of Hostel Superintendent and to pay salary on month to month basis.

12. Sri Kripa Shankar Pandey, learned counsel for the writ petitioner has submitted that the impugned transfer order dated 28.02.2023 passed by the Director Social Welfare Department U.P. at Lucknow transferring the writ petitioner from Allahabad/ Prayagraj to Sant Ravi Das Nagar and also the transfer order dated 13.06.2025 passed by the Director Social Welfare, Lucknow transferring the writ petitioner from Allahabad/ Prayagraj to District Kanpur Dehat cannot be sustained even for a single moment. Elaborating the said submission, it is submitted that a novel method has been deployed by the respondents in order to harass the writ petitioner at each and every point of time. Submission is that once the transfer order dated 28.02.2023 transferring the writ petitioner from Prayagraj/ Allahabad to Sant

Ravi Das Nagar was stayed by this Court on 24.03.2023 in the writ petition preferred by the writ petitioner being leading writ petition then without taking leave of the Court, it was not permissible and open to the respondents to have transferred the writ petitioner from Allahabad/ Prayagraj to Kanpur Dehat. It is also submitted that the basic reason attributable for staying of the transfer order dated 28.02.2023 transferring the writ petitioner from Allahabad/ Prayagraj to Sant Ravidas Nagar was the issue relatable to the lodging of the first information report against the writ petitioner under Sections 384, 504, 506 IPC read with Section 66 of the I.T. Act, 2008 and also the inquiry so pending with regard to the offences under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. Argument is that the writ petitioner had been compelled to knock doors of this Court and orders were accorded in favour of the writ petitioner, but just in order to pave out safe passage, the writ petitioner is being dislodged so that the inquiry may not continue. Learned counsel for the writ petitioner further submitted that so far as the transfer order dated 13.06.2025 transferring the writ petitioner from Prayagraj to Kanpur Dehat is concerned, the same is mala fide and it is nothing but malice of law and fact. Contention is that as per the department circular dated 27.05.2025 while transferring an incumbent, options are made available but the same was not accorded to the writ petitioner and he was not denied of the said opportunity. He further submits that the transfer order dated 13.06.2025 transferring the writ petitioner from Prayagraj/ Allahabad to Kanpur Dehat was based upon a complaint dated 30.05.2025 but the said complaint on investigation was found to be false and fictitious. He further submits that though the transfer order is stated to be dated 13.06.2025, but the writ petitioner has proceeded on casual leave for the period from 11.06.2025 to 13.06.2025 by virtue of a request letter dated 10.06.2025 and the said casual leave was accorded. He submits that the theory so sought to be propounded by the respondents that the writ petitioner was relieved on 17.06.2025 is not acceptable, particularly when at no point of time, the writ petitioner was apprised about the transfer order and there had been no service of the same. Reliance has also been placed upon a communication dated 02.07.2025 of the Under Secretary, State of U.P. to the Director, Samaj Kalyan mentioning therein that the writ petitioner has not been relieved and he is working as also attention has been drawn towards the communication dated 10.07.2025 so as to contend that an information sought by the Joint Secretary, State of U.P. from District Welfare Social Officer regarding the posting of those officers who have been transferred whether they have relieved or not wherein the name of the writ petitioner finds placed at serial no. 7. It is also contended that on 21.07.2025, a communication has been made by the District Social Welfare Officer to the Director Social Welfare mentioning therein that the writ petitioner herein

had taken casual leave from 11.06.2025 to 24.06.2025 and medical leave from 25.06.2025 to 06.07.2025. Contention is that the writ petitioner has not been relieved as there is no iota of evidence to show that the writ petitioner was put to notice about the transfer order, particularly when the writ petitioner was on leave. Learned counsel for the petitioner thus submits that the impugned transfer order is nothing but a grossest misuse of malice of law and fact. Reliance has been placed upon the decision of the Hon'ble Apex Court in ***Somesh Tiwari v. Union of India reported in 2009 (2) SCC 592***. Additionally, it has been argued that once the transfer orders dated 28.02.2023 and 13.06.2025 are illegal being mala fide, then the writ petitioner is to be placed at a position which existed prior to the passing of the said orders.

13. Countering the submissions so made by the learned counsel for the writ petitioner, Sri Gaurav Singh along with Shri Prashant Kumar Mishra, learned Standing Counsels have submitted that none of the contentions so raised by the writ petitioner and also the writ petitioner has no legs to stand. Submission is that the writ petitioner holds a transferable post and further the transfer order has been passed by an authority who is vested with the authority to pass such type of orders. Contention is that the writ petitioner post appointment remained in Mirzapur from 26.08.2010 to 14.07.2014 and from 15.07.2014 till 17.06.2025 attached to Kaudihar, Prayagraj. Contention is that the writ petitioner has no legal right to remain at a place which suits the writ petitioner. It is also contended that though on 28.02.2023, the writ petitioner was transferred from Allahabad/ Prayagraj to Sant Ravidas Nagar but the said transfer order was stayed by this Court vide order dated 24.03.2023. Contention is that the interim order so passed on 24.03.2023 staying the transfer order dated 28.02.2023 cannot be said to have an everlasting effect, particularly when the transfers are relatable to the particular transfer session and with the advent of new transfer policy for the ensuing years, a fresh exercise of transfer is to be made and the transfer order so stayed in a particular year cannot be used as a tool to foreclose the right of the employer to transfer incumbent in the ensuing years. As regards, the transfer order dated 13.06.2025 transferring the writ petitioner from Allahabad/ Prayagraj to Kanpur Dehat is concerned, according to the State Counsels, the same is perfectly valid in accordance with law. Might be there happened to be a complaint lodged by several persons and the said complaint was found to be unsubstantiated and fictitious but the transfer order has been passed in the public interest. It is also contended that as per the transfer policy dated 06.05.2025 clause 11(i), a transferee has to join the transferred place within a week. He submits that though the transfer order came to be passed on 13.06.2025 and the connected C1 writ petition was presented before this Court on 30.06.2025, an interim order was accorded in favour of

the writ petitioner on 04.07.2025 as connected on 14.07.2025 but prior to it, the writ petitioner was relieved on 17.06.2025 and that is why the Court while granting interim protection by order dated 04.07.2025/ 14.07.2025 in the connected C1 writ petition has inserted a rider that the writ petitioner shall not be relieved if he has not been relieved. Learned Standing Counsels further submitted that the writ petitioner on 10.06.2025 had applied for casual leave from 11.06.2025 to 13.06.2025, which was approved and thereafter on 16.06.2025 again leave was sought from 16.06.2025 to 20.06.2025 which was at no point of time sanctioned. Thereafter on 24.06.2025 again leave was sought which was also not sanctioned. It is also contended that since the writ petitioner was not joining their duties at the transferred place and the period of relieving 07 days, so the writ petitioner was relieved on 17.06.2025. He also submits that the reliance and the reference so placed upon the writ petitioner to the letter dated 10.07.2025 of the Director Social Welfare is concerned, the said letter does not acknowledge the fact that the writ petitioner was not relieved but the same only seeks information from the District Social Welfare Officers so stationed in various districts about the transferees whether they have joined or not.

14. I have heard the learned counsel for the parties and have perused the record carefully.

15. Facts are not an issue. It is not in dispute that against the transfer order dated 28.02.2023 transferring the writ petitioner from Allahabad/ Prayagraj to Sant Ravidas Nagar, an order came to be passed in the leading writ petition on 24.03.2023, wherein the transfer order was stayed and the writ petitioner continued at Allahabad/Prayagraj. However, on 13.06.2025, another order came to be passed transferring the writ petitioner from Allahabad/Prayagraj to Kanpur Dehat. The said transfer order, as is apparent from the recital contained therein, had been passed in public interest, though the writ petitioner alleges that the same was on the basis of a complainant, which was non-existent. According to the respondents, the writ petitioner was relieved on 17.06.2025, but the writ petitioner disputes the same while coming up with the stand that on the date of passing of the interim order in Connected C-1 writ petition, on 04.07.2025/14.07.2025, the writ petitioner was not relieved. Thus the bone of contention between the parties is whether the writ petitioner was relieved or not relieved. This Court in exercise of jurisdiction under Article 226 of the Constitution of India is not required to delve into factual issues as what would be relevant would be the fact whether prima facie from evaluation of the documents available on record, it

can be deduced whether relieving has been done or not in that regard. A survey of the records reveal that the transfer order came to be passed on 13.06.2025 and the writ petitioner preferred an application seeking casual leave from 11.06.2025 to 13.06.2025 by virtue of a letter dated 10.06.2025 which was sanctioned. However, for the period from 16.06.2025 to 20.06.2025, another application came to be submitted by the writ petitioner seeking casual leave, but the same was not sanctioned, as there was no documents available on record. Likewise, on 24.06.2025, another application came to be preferred by the writ petitioner seeking casual leave for 24.06.2025, which as per the record has not been sanctioned. The aforesaid sequence of events show that from 14.06.2025 onwards, the leaves have not been sanctioned. Thereafter, on 17.06.2025, the writ petitioner is being stated to have been relieved. Though the connected C-1 writ petition came to be presented before this Court on 30.06.2025 and interim order was accorded on 04.07.2025/14.07.2025 with a rider that the writ petitioner would not be relieved, if she has not been relieved. The said circumstances do show that at the time when the respondent sought to relieve the writ petitioner neither there was any document nor any record to show that the writ petitioner was on sanctioned leave. Apart from the same, as per the transfer policy dated 06.05.2025, a transferee is to join the transferred place within a week. Though it is always open for an employee to come up with the stand that he or she could not join for the certain reason as she was medically ill or other circumstances, then in order to take the said benefit, there should be an order of the competent authority sanctioning the leave otherwise it would be treated as unauthorized absence.

16. Though this Court is not required to conduct a roving and a fishing enquiry into the said matter, but a closer look of the communication dated 10.07.2025 of the Joint Director, Headquarter addressed to the District Social Welfare Officers throughout the State, which has been heavily relied upon by the writ petitioner shows that in general information was sought with regard to the transferees whether they have joined the transferred place or not. The said document cannot be said to be relatable to the fact that it was only meant for the writ petitioner as even otherwise as per Clause 11 (1) of the Transfer Policy dated 06.05.2025 and the terms and conditions of the transfer, the transferee has to join a post until an unless he has a valid ground denying it. As regards the communication dated 02.07.2025 of the Deputy Secretary addressed to the Director, Social Welfare is concerned, the said

document cannot be said to be of much relevance, particularly when the writ petitioner was already availing the leave for the said period without there being any sanction in that regard. Though allegations have been made of malafide and malice of facts and law by transferring the writ petitioner, but they are not required to be gone into, once the transfer order has been passed in public interest. Though reliance has also been placed upon the documents, communication dated 30.05.2025 of the Joint Secretary, Health, to the Director Social Welfare alleging that there was forged and fictitious complaint seeking to transfer the writ petitioner but ofcourse, this Court is not require to delve into the same, particularly when the writ petitioner is stationed in Allahabad since 15.07.2014 till 17.06.2025. Apart from the same, the Court is also not required to make an enquiry upon the allegations relatable to sexual harassment under the provisions of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, particularly when there happens to be an order dated 23.05.2025 exonerating the incumbents against whom allegations have been made, copy whereof is Annexure-2 at page-12 of the Counter Affidavit in the leading writ petition.

17. In view of the aforesaid discussion, bearing in mind the fact that the writ petitioner holds a transferable post and she is posted since 14.07.2005, till passing of the impugned order dated 13.06.2025 at Allahabad /Prayagraj, no good ground is made to interfere. Accordingly, the leading, connected-C1, connected C2 and connected C3 writ petitions are **dismissed**.

18. At this stage, learned counsel for the writ petitioner as per the instructions submits that the writ petitioner shall join the transferred place by 09.02.2026 and a direction be given to the respondents to pay salary to the writ petitioner for the period from 13.06.2025 till joining on 09.02.2026.

19. At this stage, Sri Gaurav Singh and Sri Prashant Kumar Mishra, learned Standing Counsels submit that the authority shall consider the grievance provided the writ petitioner joins the transferred place.

20. On joining the transferred post by 09.02.2026, it shall be open for the writ petitioner to approach the competent authority by way of filing a representation for grant of monetary benefits, which shall be considered strictly in accordance with law.

January 28, 2026

N.S.Rathour

(Vikas Budhwar,J.)