



2026:AHC:29288

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 846 of 2026

Rajesh Kumar

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Lavlesh Kumar Shukla
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Sri Lavlesh Kumar Shukla, learned counsel for the petitioner and Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel, appeared before the court.

2. This court entertained the writ petition on February 2nd, 2026, and sought instructions. Today, instructions have been produced under the signature of the District Basic Education Officer, Siddharthnagar, dated February 4, 2026, which is available on record. A statement has been made by Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel, that he has received the instructions and is in a position to argue the matter, but does not propose to file any affidavit. With the consent of the parties, the writ petition is being decided at this stage.

3. The case of the petitioner is that he is currently working as a Block Education Officer in Block Bhanwapur since July 2022 and has also been accorded additional charge of Block Itwa, District Siddharthnagar. However, on 18.12.2025, an order came to be passed by the District Basic Education Officer, Siddharthnagar, transferring the writ petitioner in mid-session from Block Bhanwapur, District Siddharthnagar, to Block Jogia, District Siddharthnagar. Questioning this order, the present writ petition has been preferred.

4. Learned counsel for the petitioner has sought to argue that the impugned transfer order cannot be sustained even for a single moment. Elaborating on this submission, it is contended that the impugned transfer

order has passed by the District Basic Education Officer on the basis of the behest and dictates of the District Magistrate, who, by an order dated 16.11.2025, directed the transfer of the petitioner. Submission is that the District Magistrate is an authority alien to the department and he has no authority under law to dictate or pass any directions for the transfer of the writ petitioner, particularly in the Education Department of the State of Uttar Pradesh.

5. Further submission is that the writ petitioner has been transferred in mid-session, which is in violation of the provisions contained under the transfer policy dated 06.05.2025. Attention has been drawn towards Clause-3 of the transfer policy dated 06.05.2025, whereby once a transfer order is being passed in mid-session beyond the time stipulated therein, then the approval of the Minister is required. It is also contended that Clause-9 of the transfer policy itself provides for a mechanism and instructions to be adhered to while transferring an incumbent, and according to him, the transfer should be made in a transparent manner based on merit.

6. Attention has also been drawn towards paragraph-19 of the writ petition, contending that the State Government, keeping in mind transparency in transfers, issued the transfer policy for the year 2025–2026. However, the impugned order has been passed without preparing a merit list and transferred the petitioner's services within three years to a region about 40 kilometers away.

7. It is further contended that the impugned transfer order has been passed in a punitive manner and the writ petitioner has been transferred several times earlier also as when he was appointed as Block Education Officer in District Basti in the year 2006, thereafter he came to be transferred to Shravasti in the year 2017 again to Balrampur in the year 2019, and subsequently to District Siddharthnagar. Reliance has also been placed upon the interim order passed in **Writ-A No. 19833 of 2024, Santosh Kumari vs. State of UP**, decided on 12.12.2024, in that regard.

8. Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel who appears for the respondents on the strength of the

instructions so received by him, has submitted that the transfer order is perfectly valid in accordance with law and according to him, the transfer order has been passed on the basis of the recommendation of the District Magistrate dated 16-11-2025, who is empowered to recommend in view of the Government Order dated 23-11-2020.

9. In rejoinder, learned counsel for the writ petitioner has submitted that though it might be the case of the respondents that the District Magistrate can recommend for transfer, but he can recommend for transfer from one district to another district or from one division to another division, but not from one block to another block.

10. I have heard the submissions so made across the bar and perused the record carefully.

11. Apparently, the writ petitioner has been transferred on 18-12-2025 from the post of Block Education Officer, Block Bhanwapur to Block Jogia.

12. A bare look of the transfer order would reveal that the same has been passed on the basis of the approval of the recommendation of the District Magistrate dated 16-11-2025. The Government Order dated 23-11-2020 itself provides for a recommendation or an approval of a District Magistrate for transferring. Once the Government Order itself provides for the same, and the District Magistrate as per the document available on record along with the instructions depicts that there happens to be a note sheet prepared containing the recommendation for transfer of the writ petitioner signed by the District Basic Education Officer, Siddharthnagar, and also bears approval of the District Magistrate which is in line with the Government Order dated 23-11-2020, then in the circumstances, it cannot be said that the District Magistrate is bereft of the said power.

13. In any view of the matter, the argument so sought to be canvassed by the writ petitioner that he could not have been transferred from one block to another, though he could have been transferred from one district to another or from one division to another is concerned, the same is preposterous. Particularly when, once the transfer is to be made, then it can obviously be made from one block to another or from one district to

another, etc.

14. Besides the same, the argument that there has been no approval of the Minister concerned is also not acceptable, is not convincing, particularly when the Government Order dated 06-05-2025 is a general transfer policy. However, the Government Order dated 23-11-2020 is a special transfer policy relatable to the District Basic Education Department. Thus, the approval and the concurrence of the District Magistrate would suffice.

15. Though it is the case of the writ petitioner that the impugned transfer order has been passed in a punitive manner, particularly when there happens to be a series of transfers made to the writ petitioner, but in the opinion of the Court, there has been consideration at the end of the authorities while transferring the writ petitioner. More so, the writ petitioner is working in Siddharthnagar since 2022 and from the perusal of the note sheet dated 13-11-2025/16-11-2025, it is clear that the writ petitioner's services were required in the transferred place, particularly when one Kamla Prasad is to superannuate on 31-12-2025.

16. Be that as it may be, the Court does not find the present case to be a fit case for interference, particularly when transfer is being sought to be made transferring the writ petitioner from Block Bhanwapur (additional charge of Block Itwa) to Block- Jogia.

17. Accordingly, the interference in the writ petition is declined; the writ petition stands **disposed of**.

18. In case the writ petitioner has any grievance, then post-joining at the transferred place, he can make a representation.

(Vikas Budhwar,J.)

February 6, 2026

Virendra