



2026:AHC:28706

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1916 of 2026

Mohammad Miyan

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Araf Khan, Lihazur Rahman Khan
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Araf Khan, learned counsel for the petitioner and Sri Vivek Singh, learned Standing Counsel, who appears for State-respondents.
2. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits 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 he is working on the post of Junior Assistant (Group-C) in the office of Principal and Superintendent, Regional Ayurvedic College and Hospital, Atarra at Banda since 18.01.2018 and the writ petitioner preferred an application seeking transfer to Kanpur Nagar/ Kanpur Dehat on the ground that his spouse is a Government Teacher posted in Primary School, Chandapur, Vikas Khand Amraudha, Kanpur Dehat. Since the said claim was not being decided so the writ petitioner preferred Writ-A No. 9153 of 2025 (Mohd. Miyan v. State of U.P. and another) which came to be disposed of on 09.07.2025 requiring the respondents to consider the representation so preferred by the writ petitioner, however, now by virtue of the order impugned, the claim of the writ petitioner has been negated on 28.08.2025 by Director, Directorate of Ayurvedic Services, 9th Floor, Indira Bhawan, Lucknow.
4. Questioning the same, the writ petitioner has been filed the present writ petition.
5. Learned counsel for the writ petitioner has submitted that the order impugned cannot be sustained for the simple reason that first of all, the wife of the writ petitioner is working in Kanpur Dehat and there happens to be a

Government order dated 06.05.2025 providing for any eventuality wherein the husband and the wife being spouse can be transferred at a place where both are working. Further submission is that the writ petitioner is physically handicapped (50%) thus there is also a provision in the Government order to consider the same aspect of the matter.

6. Learned Standing Counsel on the other hand submits that whatever might be there is no post available in Kanpur or Jalaun wherein the writ petitioner can be adjusted. However, he submits that in case there are vacancies available in some other adjoining district then the matter shall be considered, particularly, when the new transfer policy is to come in the ensuing year.

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

8. Considering the submissions of the rival parties as well as stand taken by them and after perusing the record, this Court is of the opinion that once the writ petitioner holds a transferable post then he cannot insist that he is to be posted at a particular place, however, the Government order throws light upon the said aspect, according to which, there is a provision that as far as possible, the spouses (husband and the wife) can stay at a particular place and also benefit has been accorded to the handicapped persons but the said aspects are relatable to the existence of vacancy.

9. Be that as it may be, since the transfer policy grants benefits thus in view of the fact that in the ensuing years, transfer policy is yet to come thus as soon as the transfer policy comes, it shall be open to the writ petitioner to raise his grievance which shall be considered strictly in accordance with law.

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

February 10, 2026

Ashu

(Vikas Budhwar,J.)