



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 1631/2025

Manju Sharma D/o Banshi Lal Sharma, Aged About 54 Years,
Resident Of Brahmapuri, Mandphiya, Bhadesar, District
Chittorgarh (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Medical And Health Department, Government Of Rajasthan, Jaipur.
2. The Director (Non Gazetted), Medical And Health Department, Government Of Rajasthan, Jaipur.
3. The Chief Medical And Health Officer, District Chittorgarh.
4. The Block Chief Medical And Health Officer, Bhadesar, District Chittorgarh.

-----Respondents

For Petitioner(s) : Mr. Kunal Upadhyay
For Respondent(s) : Mr. Mukesh Dave
Mr. Tanuj Jain

HON'BLE MR. JUSTICE ARUN MONGA

Order (Oral)

20/01/2025

1. Grievance of the petitioner stems out of an order dated 15.01.2025 (Annex.3) passed by the respondent No.2, vide which the petitioner has been transferred from Community Health Center, Mandaphiya, Chittorgarh to Mathura Das Mathur Hospital, Jodhpur.
2. Petitioner, serving as a Nurse Grade-II, being aggrieved, submitted a representation before the competent authority for mitigation of her grievance, stating therein that she is a single lady and sole bread earner and care-taker of her mother who is suffering from Alzheimer. She sought cancellation of her transfer order, but to no avail, hence this petition.



3. The stand taken by the respondents in their reply, inter alia, is that there is an alternative remedy before the Administrative Tribunal. On merits, it is stated that transfer of any employee is the ultimate discretion of the State keeping in mind the administrative exigency. No employee can claim his/her posting at a place of his/her choice.

4. In the aforesaid backdrop, I have heard learned counsel for the parties and peruse the case file.

5. Ordinarily, this Court does not interfere in the matters of transfer and posting, unless it is a case of extreme hardship or patent violation of applicable law. It transpires from the narrative pleaded in the petition that not only petitioner is the unmarried but also sole earning member of the family compromise of her mother, senior citizen widow, suffering from Alzheimer, requiring medical treatment at current place. Brother of the petitioner is stated to be married and does not live at the place where the petitioner is currently posted and, therefore, the entire responsibility of the widow mother is on her.

6. In their reply to the writ petition, aforesaid facts have been given a complete short-shrift as there is neither any denial nor the same have been otherwise adverted by the respondents. It is thus safe to assume that the same are not disputed.

7. Even otherwise, there appears to be some merit qua allegation of violation Rule 8(iii) of the Rajasthan Panchayati Raj Transferred Service Rules, 2011 pleaded in the petition, as there was/is no prior permission taken from the Panchayati Raj Department before passing the impugned order qua the petitioner herein.



8. Be that as it may, without advertent to the violation of the rule *ibid*, if any, I am of the view that given the mitigating circumstances of the petitioner, which have been conveniently given a go-bye in the reply filed by the respondents, is reflective of not only mechanical manner in which the case of the petitioner has been dealt with but also smacks of complete lack of compassion.

9. The petitioner is the sole caretaker of her elderly mother, a senior citizen suffering from Alzheimer's disease. The condition demands constant care and attention, which would be significantly disrupted if the petitioner is transferred far from her current location. As an unmarried lady and the sole earning member of her family, the petitioner bears the entire financial and caregiving responsibility for her dependent mother. This adds another layer of hardship in her discharge of duty in case she is transferred 300 kms away, as the case herein.

10. The petitioner's mother likely relies on local healthcare facilities at her current location. Transferring the petitioner would not only cause logistical difficulties but could also adversely affect the timely medical care her mother requires.

11. As a model employer, the State is expected to act with empathy and consider the exceptional personal hardships faced by employees. Ignoring such circumstances reflects a lack of compassion, which goes against the moral governance. The State is supposed to act as a model employer but also a virtuous litigant.

12. As an upshot, the writ petition is allowed. The impugned order dated 15.01.2025 (Annex.3) is set aside qua the petitioner.



13. Liberty is, however, given to the respondents to pass fresh orders as long as the petitioner is posted within the same district so as to enable her to look-after her ailing mother, who is suffering from an ailment, peculiarity of which will get compounded in case, at this stage of life, she has to relocate along with her daughter.

14. All pending application(s), if any, shall also stand disposed of.

(ARUN MONGA),J

260-skm/-

Whether fit for reporting : Yes / No