



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

S.B. Civil Writ Petition No. 14448/2018

Kailash Sankhla S/o Shri Laxmi Narayan Sankhla, Aged About 36
Years, 394, Sankhala Gali, Near Manakji-Ki-Chakki, Sujadesar,
Bikaner

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The
Department Of Medical And Health Services (Group-2),
Government Of Rajasthan, Jaipur (Raj.)
2. Director (Public Health), Medical And Health Services,
Government Of Rajasthan, Jaipur (Raj.)
3. Chief Medical And Health Officer, Bikaner (Raj.)
4. Director General (Prisons), Rajasthan, Jaipur (Raj.)
5. Superintendent, Central Jail, Bikaner (Raj.)

-----Respondents

For Petitioner(s)	:	Mr. Muktesh Maheshwari
For Respondent(s)	:	Mr. Mukessh Dave Mr. Tanuj Jain

HON'BLE MR. JUSTICE FARJAND ALI

Order

06/11/2025

1. The petitioner has filed the instant writ petition seeking quashment of the impugned transfer orders dated 31.08.2018 and 04.09.2018 issued by Respondent No.3 and for issuance of a direction to allow the petitioner to continue discharging his duties at his present place of posting, i.e., Central Jail, Bikaner. The petitioner contends that the said transfer orders are arbitrary, illegal, devoid of any administrative rationale, and violative of the



principles of natural justice, and therefore, are liable to be set aside.

2. In nutshell, the facts giving rise to the instant Writ Petition are that the petitioner is serving as a Medical Officer under the Department of Medical & Health Services, Government of Rajasthan. His service conditions, including transfer and posting, are governed by the Rajasthan Civil Services Rules, 1951 and the competent authority in such matters is the Director (Public Health), Medical & Health Services.

2.1. In 2016, the petitioner was posted to Central Jail, Bikaner. During a routine inspection of the Central Jail by the District Collector, Bikaner, on 11.01.2017, an alleged complaint was noted upon which, prompting the Chief Medical & Health Officer (CMHO) to direct the Superintendent, Central Jail, Bikaner to ensure that the petitioner performed his duties punctually and carried out proper medical checkups of prisoners. The petitioner was duly informed of this communication (Annexure 1).

2.1. Subsequently, Respondent No.3-CMHO issued an order dated 30.10.2017 directing the petitioner to report to the office of CMHO. In compliance, the Superintendent, Central Jail, passed a relieving order (Annexure 3). However, the CMHO later realized his lack of authority and recalled the same vide order dated 29.11.2017 (Annexure 4). Thereafter, the Deputy Secretary to the Government, Medical & Health Services (Group-2), issued the impugned transfer orders dated 31.08.2018 and 04.09.2018 transferring the petitioner from Central Jail, Bikaner, to



Community Health Center, Masalpur (Karauli). Strikingly, the transfer order included directions for the Superintendent, Central Jail, to initiate disciplinary proceedings under Rule 16 of the CCA Rules, 1958, which is wholly unwarranted and without jurisdiction (Annexure 5). Hence, the instant Writ Petition.

3. Learned counsel for the petitioner submits that the impugned transfer order is manifestly arbitrary, unjust, and devoid of any administrative exigency or rationale, particularly as the petitioner has consistently performed his duties at Central Jail, Bikaner, with diligence and efficiency. He further submits that the order fails to provide any specific reason for the transfer, nor does it allege any adverse conduct, thereby rendering the transfer capricious and violative of settled principles of administrative law.

3.1. It was further alleged that the direction to initiate disciplinary proceedings, as included in the endorsement of the transfer order, contravenes the procedural safeguards prescribed under the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958, which require that any complaint or disciplinary action must be preceded by enquiry, opportunity of explanation, and considered opinion by the competent authority. The impugned direction, being whimsical, prejudicial, and without authority, is impermissible in law.

3.2. Lastly he submits that the impugned transfer orders dated 31.08.2018/04.09.2018 is illegal, ultra vires, and without jurisdiction, thus it is prayed that the same may be quashed and



set aside and the respondents may be directed to allow the petitioner to continue at his present posting.

4. Learned counsel for the respondent submitted that the contentions raised by the petitioner are wholly misconceived, legally untenable, and devoid of merit. The impugned transfer orders (Annexure 5) were issued by a competent authority purely on valid administrative grounds in public interest, and transfers being an incident of service, judicial interference is neither warranted nor justified unless shown to be arbitrary, perverse, or violative of statutory provisions, which the petitioner has failed to demonstrate. The petitioner has also not availed the statutory remedy of appeal before the Rajasthan Civil Services Appellate Tribunal, rendering the writ petition premature. Further, the direction to the Superintendent, Central Jail, Bikaner, to prepare a proposal under Rule 16 of the CCA Rules, 1958, is entirely within the authority of the competent office, with full opportunity to the petitioner to defend himself once proceedings are formalized. No legal or constitutional right of the petitioner has been infringed; accordingly, the writ petition is devoid of merit and liable to be dismissed outrightly.

5. I have heard the learned counsel for the petitioner as well as counsel for the respondent and perused the orders impugned as also the material as made available to the Court.

5.1. Upon careful scrutiny of the material, it is evident that the petitioner, a Medical Officer, was deputed to the Central Jail, Bikaner, for the sole purpose of attending to and supervising the



medical care of the inmates, and at all times remained under the administrative control of the Medical and Health Department. The impugned transfer order (Annexure-5) directing the petitioner's relief appears to have been issued without any cogent or legally tenable justification. It is pertinent to observe that the Superintendent, Central Jail, Bikaner, is an officer of a separate administrative department and possesses neither the authority nor the competence to initiate disciplinary proceedings against a Medical Officer. Any such action, including issuance of a charge sheet, can only be undertaken by the Chief Medical and Health Officer or the Director of the Department of Medical and Health Services, in strict conformity with the provisions of the Rajasthan Civil Services Rules and the CCA Rules, 1958. No material has been placed on record to demonstrate that the transfer was necessitated by administrative exigencies, performance-related deficiencies, or any other legitimate consideration warranting relocation. The order, therefore, reflects procedural impropriety, a lack of jurisdiction, and an arbitrary exercise of administrative discretion.

5.2. It is further noticed that the petitioner was posted to the Central Jail, Bikaner, purely on deputation and remained under the administrative control of the Medical and Health Department. The impugned transfer order (Annexure-5) suffers from a fundamental lack of jurisdiction, as the authority directing the relief and simultaneously suggesting disciplinary proceedings lacks competence under the governing service rules. There is no evidence of administrative exigency, misconduct, or deficiency in



performance that could justify the transfer. Moreover, the procedural safeguards enshrined under the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958, and the principles of natural justice have not been observed. The respondents have failed to demonstrate that the impugned action was in accordance with law or any established administrative norms. Consequently, the transfer appears arbitrary, capricious, and devoid of any reasonable justification, rendering it susceptible to judicial scrutiny.

6. In view of the foregoing observations and findings, the instant Writ Petition is allowed and the impugned transfer orders dated 31.08.2018 & 04.09.2018 are hereby quashed and set aside. It is clarified that the respondents retain the liberty to initiate any disciplinary proceedings against the petitioner, provided the same is undertaken strictly in accordance with the applicable service rules and by the competent disciplinary authority. The petitioner is entitled to continue in his current posting at the Central Jail, Bikaner, until such time as a lawful and procedurally valid order is passed by the competent authority. No order as to costs.

6.1. The stay petition and all pending applications, if any, shall stand disposed of.

(FARJAND ALI),J

172-Mamta/-