

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 17757/2025

Hargovind Meena S/o Shri Balmukund Meena, Aged About 53 Years, R/o Manyakhedi Tehsil Manoharthana, Distt. Jhalawar At Present Posting As Principal Govt. Senior Secondary School Garboliya Distt. Jhalawar (Rjjw199422011387).

----Petitioner

Versus

1. Secretary, School Education Department, Rajasthan, Bikaner.
2. Director Secondary Education, Rajasthan Bikaner.
3. Distt. Education Officer Secondary, Headquator Jhalawar.
4. Satpal Singh, Principal Bansraj, Tomchand Mandowada Govt. Senior Secondary School, Singhari, Distt. Balotra.

----Respondents

For Petitioner(s)	:	Mr. Ram Rakh Sharma
For Respondent(s)	:	Mr. Manoj Sharma, AAG with Mr. Vishal Kumar

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

REPORTABLE

24/11/2025

1. Instant writ petition is filed by the petitioner with the following prayer:

It is, therefore, humbly prayed that Your Lordships may be pleased to accept and allow this writ petition and further by issuing writ, order, or direction in the nature thereof, quash and set-aside the impugned order dated 4/11/2025 (Anx-3) and further tribunal be directed tag with the appeal of petitioner with

other similar appeals and decide together and further if this Hon'ble Court Found Just and proper then impugned order of transfer dated 22/9/2025 (Anx-1) may also be quashed and set aside and petitioner be allowed to continue at Govt. Senior Secondary School Garboliya Jhalawar.

2. Learned AAG submits that the petitioner has filed the present writ petition challenging the transfer order, which can be challenged before the Rajasthan State Civil Services Appellate Tribunal, Jaipur, by filing an appeal. He further submits that the petitioner has already filed an appeal before the Tribunal and the same is still pending consideration. Therefore, this writ petition deserves to be disposed of at this stage only.
3. Learned Counsel for the petitioner has no objection if this writ petition is heard finally at this stage. Therefore, this Court is considering the writ petition for final disposal.
4. The present petitioner, who was posted as Principal in Government Senior Secondary School, Garboliya, Jhalawar, has been transferred vide order dated 22.09.2025 to the post of Principal and equivalent in Government Senior Secondary School, Virampura, Bharatpur. The petitioner has challenged the said transfer order by filing Appeal No. 4387/2025 before the Rajasthan Civil Services Appellate Tribunal, Jaipur (hereinafter referred to as "the Tribunal"). However, the Tribunal dismissed the stay application on 04.11.2025 in light of the judgment in **Shilpi Bose v. State**

of Bihar, AIR 1991 SC 532, on the ground that a government servant holding a transferable post has no vested right to remain posted at one place and is liable to be transferred from one place to another.

5. Learned Counsel for the petitioner has referred to the **order dated 18.11.2025 passed in Appeal No. 4519/2025 (Rajesh Kumar v. State of Rajasthan); order dated 21.08.2025 in Appeal No. 3793/2025 (Mohar Singh v. State of Rajasthan); order dated 14.11.2025 in Appeal No. 4507/2025 (Rajendra Prasad Bhairava v. State of Rajasthan); order dated 14.11.2025 in Appeal No. 4499/2025 (Mahendra Kumar Chaudhary v. Secretary, School Education); order dated 18.11.2025 in Appeal No. 4615/2025 (Deepika Sagar v. State of Rajasthan & Ors.); order dated 15.10.2025 in Appeal No. 815/2025 (Padma Kanwar v. State of Rajasthan); order dated 14.11.2025 in Appeal No. 4363/2025 (Neelam Mahavar v. State of Rajasthan); order dated 14.10.2025 in Appeal No. 4362/2025 (Archana v. State of Rajasthan) and order dated 18.11.2025 in appeal No.4519/2025 (Rajesh Kumar Vs. State of Rajasthan) , and submitted that in identical matters the Tribunal has passed stay orders and intervened in transfer matters, but in the present case the Tribunal has ruled otherwise while dismissing the stay application.**
6. He has further referred to the **order dated 23.02.2024 in Appeal No. 385/2024 (Hariram v. Principal Secretary, Forest Department); order dated 24.02.2025 in Appeal**

No. 1382/2025 (Shish Mohammad v. Principal Secretary, Agriculture); order dated 04.11.2025 in Appeal No. 4459/2025 (Kalpana Sringi v. State of Rajasthan & Ors.); and order dated 04.11.2025 in Appeal No. 4468/2025 (Mohammad Shakir v. State of Rajasthan), and submitted that in identical matters the Tribunal has stayed the transfer orders but the stay application of the present petitioner was dismissed without considering the facts.

7. Learned Counsel for the petitioner has further submitted that in **SB Civil Writ Petition No. 189/2020 (Bal Swaroop Dhakad v. State of Rajasthan), Writ Petition No. 652/2021 (Rajesh Kumar Sharma v. State of Rajasthan), and Writ Petition No. 10962/2015 (Dhool Chand Meena v. State of Rajasthan),** a co-ordinate Bench of this Hon'ble Court has stayed the transfer orders.
8. Learned Counsel further submitted that in most of the cases, neither reliance was placed on **Shilpi Bose (supra)** nor a reference, yet the Tribunal has intervened and stayed the transfer orders, which itself is sufficient to show discriminatory practice adopted by the Tribunal. He submitted that the Tribunal is in the habit of pick and choose while considering cases on merits. He further submitted that this is a case of judicial dishonesty committed by different Benches of the Tribunal.
9. Aforesaid contentions were opposed by the learned AAG appearing on behalf of the respondents, and he submitted that if the petitioner has any grievance, he may submit a

representation to the respondents, which shall be considered in accordance with law. He further submitted that the age of the present petitioner is 53 years and it is not likely that he will superannuate in another one or two years. He further submitted that the petitioner was transferred after being promoted in the year 2022. He also submitted that normally after every three years, a government servant is liable to be transferred, therefore, the petitioner does not have any grievance as he is holding a transferable post.

10. Heard learned Counsel for the parties on merits and perused the material placed on record along with judgments/orders of this Court, along with the orders of Tribunal, as referred by learned Counsel for the petitioner.
11. The facts mentioned by the petitioner indicate that the present petitioner was appointed in September, 1994 as Teacher Grade III, and was promoted as Senior Teacher in the year 2009, thereafter as Lecturer in the year 2015, and was promoted as Principal in the year 2022. The petitioner has claimed that vide order dated 12.04.2025, he was transferred from Government Senior Secondary School, Avnal Heda, Manohar Thana, Jhalawar to Government Senior Secondary School, Garboliya, Jhalawar, and was relieved on 16-04-2025, whereupon he joined on 17.04.2025.
12. The petitioner has further claimed that within a short span of five months, he has again been transferred vide order dated 22.09.2025 from Government Senior Secondary School, Garboliya, Jhalawar to Government Senior Secondary School, Veerampura, Bharatpur, which is at a distance of

about 500 kilometers from his current place of posting. He has further submitted that the present petitioner has been transferred only to accommodate Respondent No. 4.

13. No one has appeared on behalf of Respondent No. 4 and this Court has not issued notice to Respondent No. 4. Since, transfer is act of respondent No.2, therefore respondent No.4 is not required to be impleaded as a party.
14. The orders referred during the course of arguments by learned Counsel for the petitioner clearly indicate that the Tribunal has intervened and stayed transfer orders in appeals filed by concerned employees. It is apparent on act of record, that the Tribunal has not only stayed the transfer orders in said matters but did not mentioned the ration of **Shilpi Boase (supra)**.
15. The impugned order has been passed on 04.11.2025, whereby the Tribunal has referred to the fact that the petitioner was posted for the first time on promotion and thereafter transferred. The Tribunal has relied upon the ratio laid down in **Shilpi Bose (supra)** to reject the stay case of the present petitioner, whereas the same Tribunal, on 04.11.2025, has stayed the transfer order in the case of **Kalpana** in Appeal No. 4459/2025, though the composition of the Bench was different to the extent that one Member was common.
16. On 04.11.2025, the same Bench which denied stay to the present petitioner has granted stay in Appeal No. 4468/2025 in favour of Mohammad Shakir (supra), where the employee was transferred within four months and twenty days to

another place. It is relevant to note that while passing the order in favour of **Mohammad Shakir (supra)**, the Bench has ignored the ratio laid down in case of **Shilpi Bose (supra)** and instead relied upon the judgments of this Court.

17. There are several judgments and orders referred by learned Counsel for the petitioner, which form part of the record, and clearly reflect that either different Benches or Benches having common Members have passed stay orders in favour of some individuals, while denying similar relief to the present petitioner.
18. In the present case, the petitioner is a teacher. Normally, an academic session begins from 1st July and concludes in March-April. The educational session is from July to April, whereas April or mid-May is generally the examination time for smaller classes, followed by a break. In private schools, the session begins from April and continues till mid-May, followed by summer break, and thereafter the session resumes from July, normally ends in February.
19. In the State of Rajasthan, the Shivira Calendar is published every year, and the Government, in particular administrators are well aware of the educational session. It is always expected that if, a teacher has to be displaced or transferred, such transfer should take place during breaks, particularly during summer vacation, as one and a half months is sufficient for dislocation and adjustment at a new place. Except for hot weather, there is no other condition which prevents movement from one place to another, in

May-June but nowadays most vehicles are air-conditioned as air-conditioning is no longer a luxury, such movement has become easy.

20. In the present case, the mass transfer exercise was carried out in September, 2025, which itself indicates that despite being aware about the education calendar, such maneuver was conducted at the cost of education system. It further reflects lack of consideration of the fact that during August-September class tests are conducted, in November half-yearly examinations are held, between November to February another class test is organized, and during February-March final examinations take place. The mass school transfers have not only disturbed the entire educational ecosystem, but it is sufficient to draw a conclusion that the educational system is being governed by the whims and fancies of administrators, and not in accordance with the needs and requirements of the students.
21. The National Education Policy, 2020 (NEP 2020) was implemented by the Union Government, replacing the old policy of 1986, with the aim and object to transform the educational system of the country into a holistic, flexible, and multidisciplinary framework aligned with the needs of the 21st century. The NEP 2020 emphasizes access, equity, quality, affordability, and accountability to build a vibrant, educated, and knowledgeable society.
22. The NEP 2020 can be implemented only with collaborative efforts of the State Governments, therefore, the State

administrators are under an obligation to implement the policy in its letter and spirit. There are challenges and hurdles in its implementation, mostly at the administrative level, by the State Government.

23. The State of Rajasthan is not among the leading States which have fully adopted NEP 2020, as the Rajasthan Government has declared a phase-wise rollout of NEP 2020, which means that by the year 2027-28, last mile-stone the stage-wise milestones will be implemented. The NEP 2020 has benefited students through improved functionality, flexible curriculum, and learning with digital tools, as proficiency levels have shown considerable improvement. The dropout ratio has declined; however, there is still a shortage of teachers in rural areas, which remains a challenge in effective implementation.
24. In the present case, the facts indicate that the present petitioner was transferred vide order dated 12.04.2025 from Government Senior Secondary School, Avnal Heda, Manohar Thana, Jhalawar, to Government Senior Secondary School, Garboliya, where he joined on 17.04.2025. Thereafter, vide order dated 22.09.2025, meaning thereby within a short span of five months, he was again transferred from Jhalawar to Bharatpur in the course of mass transfers.
25. The order dated 22.09.2025 indicates that 4,527 Principals of Senior Secondary Schools or equivalent posts were transferred from one place to another. This reflects that the administrator, by invoking the authority as an employer in the middle of the academic session (in September), has

disturbed not only 4,527 teachers, but also 4,527 schools and their students, and such practice is not appreciable.

26. After a change in Government, a practice has been adopted in almost all States to effect mass transfers of employees on the ground of administrative exigencies and public interest. Normally, a government servant, particularly a teacher, suffers not on account of political affiliation, but due to change of Government or pressure of local politicians. A teacher is a person working at the grassroots level to impart education to children so as to make them future-ready.
27. The mass transfers, as discussed hereinabove may be a political vendetta but same is not under challenge in the form of a public interest litigation. The only option before the Court is to examine the case on the grounds of mala fides, arbitrariness, undue hardship, lack of rationality, or transfer effected on the basis of political complaints.
28. In most of the States, neither there is any comprehensive transfer policy, nor any specific rule governing transfers of employees, including teachers. The Directive Principles of State Policy speak of good governance, and every government is expected to promote governance in accordance with constitutional provisions. The facts of any good governance is ultimately decided by the public at the time of elections. However, herein it is a case concerning students, where a mass transfer exercise was carried out in September, 2025 to transfer teachers from one place to another. The impact of a transfer is not only upon an individuals and their families, but in the case of a teacher,

the impact is also upon the students who are studying in the school where the teacher is posted at the beginning of the educational session.

29. In the present case, the Service Tribunal, dismissed stay application without considering the case of the present petitioner on merits, just relying upon the ratio laid down in case of **Shilpi Bose (supra)**, whereas in other cases the Tribunal has not applied the ratio of **Shilpi Bose (supra)**.
30. The law on the point is well settled that transfer is an incident of service and normally the Court should refrain from interference. However, the ideal conditions, as explained hereinabove, has been violated in the present case, as the transfer order dated 22.09.2025 (mid of the academic year) is itself contrary to the principles of good governance, as it does not justify need of administrative exigencies.
31. It is not expected that the Government may transfer teachers on a mass scale in the mid of an educational session, which is going to conclude within another six months. Such action not only impacts the future of students, but also affects the aspirations of parents who cannot afford private or public school education for their children. Probably, this is one of the reasons why top Government officials or persons having sufficient means, admit their children to private schools.
32. A dishonest and mala fide approach adopted by the Tribunal is disapproved by this Court, as in the instant case the Tribunal has not gone into the merits of the case and has

failed to consider the plight of an individual who was transferred within a short span of five months from one place to another, therefore, this Court has no option except to intervene, particularly in circumstances where, notwithstanding that transfer is prerogative of the employer and an incident of service, but the action reflects arbitrariness and undue hardship.

33. In view of the discussion made hereinabove, the writ petition is partly allowed. The impugned order dated 04.11.2025 passed in Appeal No. 4387/2025 is hereby set aside, and the impugned transfer order dated 22.09.2025 along with the consequential relieving order are stayed till the final disposal of Appeal No. 4387/2025 by the Tribunal.
34. The Tribunal is directed to decide the appeal on merits as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.
35. Before parting with the order, this Court deems it necessary to point out the manner in which the stay order was passed by the Tribunal. It is expected from the Chairman and Member(s) of the Tribunal to maintain impartial conduct, adhere to precedents, and avoid any bias or deviation. The Court cannot keep its eyes closed when the Service Tribunal, which is the primary forum meant for redressal of grievances of a government servant, while considering any case, makes a distinction between two cases having identical and similar facts.
36. The Administrative Department / Department of Personnel (DOP) is expected to impart proper training to the Chairman

and Members of the Tribunal, so that in future such situation may be avoided.

37. A copy of this order shall be sent to the Secretary, Department of Personnel, and the Chairman of the Service Tribunal for necessary compliance.
38. Accordingly, the writ petition along with all pending miscellaneous applications, if any, is hereby disposed of.

(ASHOK KUMAR JAIN),J