

GAHC010007672026



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/307/2026

MS. SHWETA BHATTACHARYA
D/O- DIBYA SHANKAR BHATTACHARYA, H NO. 255, BEHIND DATAMATION
G S ROAD, NEAR BORA SERVICE, P.O.- ULUBARI, P.S. PALTAN BAZAR,
GUWAHATI, DIST.- KAMRUP (M), ASSAM, PIN- 781007

VERSUS

THDC INDIA LIMITED AND 3 ORS
(THROUGH CHAIRMAN AND MANAGING DIRECTOR) GANGA BHAWAN,
PRAGATIPURAM, BY PASS ROAD, RISHIKESH- 249201 (UTTARAKHAND)

2:THE EXECUTIVE DIRECTOR (PROJECTS)
CORPORATE OFFICE
BYE PASS ROAD
PRAGATIPURAM
RISHIKESH- 249201 (UTTARAKHAND)

3:THE CHIEF GENERAL MANAGER (HR AND A)
CORPORATE OFFICE
BYE PASS ROAD
PRAGATIPURAM
RISHIKESH- 249201 (UTTARAKHAND)

4:THE GENERAL MANAGER
APP
KALAI-II
NOGEN CHOWLU COMPLEX
NEAR CIRCUIT HOUSE
NAMSAI
ARUNACHAL PRADESH
79210

Advocate for the Petitioner : MR. S K SAIKIA, MR D.S. BHATTACHARYA

Advocate for the Respondent : MR. B J MUKHERJEE(R-1 TO 4), MS R SAHA(R-1 TO 4)

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

10.03.2026

Heard Mr. D. S. Bhattacharya learned counsel for the petitioner.

2. The challenge is made to the impugned transfer order dated 02.01.2026 is under consideration in the present proceeding. According to the petitioner his transfer order is issued in total violation of the guidelines, under the pretext administrative exigencies. The petitioner also alleges that the transfer order was gender bias and malice, on the ground that she is the only female candidate currently serving in the legal department, and because of which she has been subjected to frequent transfers without any specific reasons. Although, it is submitted that the the transfer policy lays down clear guidelines which are required to be adhered to by the competent authority namely, the authority issuing transfer orders.

3. Mr. S. Dutta, the learned senior advocate assisted by Mr. B. J. Mukharjee learned counsel for the respondents, on the other hand strongly disputes the contentions raised by the petitioner. He submits that the transfer is a condition of service and because of administrative exigencies, the petitioner is required to be transferred to the place where she was posted. It is submitted that the petitioner was transferred to the corporate office in Rishikesh from Arunachal Pradesh, to fill a resultant vacancy, because of resignation of the employee who was posted earlier at the corporate office.

4. He further submits that the guidelines itself reflects that there shall be no rights accrue to the employees thereunder. The transfer guidelines do not confer any right on the employees and are intended merely as broad guidance to the competent authority.

5. Mr. S. Duuta, learned counsel for the respondents, has also pressed into service the judgment of the Apex Court to submit that, time and again the Apex Court has held that matters relating to transfer, the court should not interfered with, unless there is a violation of statutory rule or the transfer is shown to have been issued with mala fide intent.

6. In rejoinder, the learned counsel for the petitioner submits that each case of transfer has to be decided independently, and it is also submitted that the petitioner is before this court facing extreme hardship in spite of rendering dedicated services at her earlier places of posting. The learned counsel for the petitioner further submits that the transfer have been motivated by gender bias, as the petitioner is the only female employee, whereas several male employees have not been subjected to similar transfers.

7. In order to decide the question of whether any mala fide intent or bias is made out, this court considers it necessary to peruse the records relevant to the transfer which is impugned in the present proceedings. A copy of the notesheet has been placed before the Court, however it does not elaborate on the process undertaken for issuance of the impugned transfer order.

8. Mr. S. Dutta, learned Senior Counsel submits that he will produce the relevant records before the Court on the next day to justify the stand of the department and the impugned transfer order is not actuated by mala fide intent or bias, rather has been necessitated purely by administrative exigencies.

9. Under such circumstances, let the matter be listed again on 23.03.2026.

10. Since the matter is presently pending before this court, the impugned transfer order shall not be given effect to, insofar as the writ petitioner is concerned, till 23.03.2026.

11. An attempt will be made to dispose of the matter on 23.03.2026

12. List accordingly.

JUDGE

Comparing Assistant