

GAHC010117902026



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

**Case No. : WP(C)/3213/2026**

SRI APURBA KUMAR ROY  
SON OF- LATE KANTA ROY,  
PRINCIPAL JAWAHAR NAVODAYA VIDYALAYA  
VILLAGE- DALOICHUBA,  
DISTRICT -MORIGAON, ASSAM- 782105

***VERSUS***

THE UNION OF INDIA AND ORS  
THROUGH THE SECRETARY,  
MINISTRY OF EDUCATION, GOVT. OF INDIA,  
NEW DELHI- 110001

2:NAVODAYA VIDYALAYA SAMITI  
THROUGH ITS COMMISSIONER B -15 SECTOR- 62  
INSTITUTIONAL AREA  
NOIDA UTTAR PRADESH 201307

3:NAVODAYA VIDYALAYA SAMITI REGIONAL OFFICE  
THROUGH THE DEPUTY COMMISSIONER  
TEMPLE ROAD  
BARIK POINT LACHUMIERE  
SHILLONG -79300

For the petitioner : Mr. S. Nath, Advocate  
For the respondents : Ms. R. Dutta, Advocate for  
Respondent No.1  
Ms. R.S. Chowdhury, S.C., NVS  
For respondent Nos.2 and 3

– B E F O R E –

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR**  
**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**19-06-2026**

***(Ashutosh Kumar, C.J.)***

We have heard Mr. S. Nath, learned Advocate for the petitioner and Ms. R.S. Chowdhury, learned Standing Counsel, Navodaya Vidyalaya Samiti (NVS) for the respondent Nos.2 and 3.

The petitioner is aggrieved by his transfer in the capacity of Principal from Jawahar Navodaya Vidyalaya, Morigaon, a hard station to Jawahar Navodaya Vidyalaya, Dibang Valley, Arunachal Pradesh, which is considered to be a very hard station.

It appears that pursuant to an incident of ragging of a student on 05.11.2025, the petitioner was suspended in contemplation of a departmental proceeding. Shortly thereafter, he was served with a charge memo alleging supervisory lapses and seeking his detailed reply.

The petitioner had replied to such charges, but on 16.03.2026, his suspension was revoked and simultaneously, he was transferred to a distant and a very hard station at Dibang Valley in Arunachal Pradesh. The petitioner had challenged such transfer before the Central Administrative Tribunal, Guwahati Bench as being punitive and in breach of the NVS Transfer Policy, 2021.

The Tribunal vide order dated 16.05.2026 upheld the order of transfer, relying upon the assertion made by the respondents that it had

become necessary to prevent the petitioner from influencing the witnesses during the on-going enquiry, but expressed hope and trust that after completion of the enquiry within six months, the petitioner would be posted back to Morigaon, if he were to be exonerated in the departmental proceeding.

The petitioner has challenged such decision of the Tribunal before this Court on various grounds, but primarily on the ground of such transfer being punitive.

Ms. R.S. Chowdhury, learned Advocate for the NVS has drawn attention of this Court to the NVS Transfer Policy of 2021 and submitted that such transfers of employees of NVS, against whom disciplinary proceedings are continuing, are valid and are in terms of the NVS policy.

The policy of NVS regarding administrative transfers makes it very clear that ordinarily an employee would be transferred, whose continuation at a particular station would not be conducive from administrative point of view. Such transfers could be executed but only based on certain enquiry, either preliminary or detailed, as deemed fit in the case and only after recording the reasons of such transfer. It was further specified that such transfers on administrative ground could be of persons, who are facing disciplinary proceeding, or also such persons, who may not be facing disciplinary proceeding.

From the perusal of the transfer order dated 16.03.2026, it appears that no reason has been assigned in case of the petitioner's transfer from Morigaon in Assam to Dibang Valley in Arunachal Pradesh.

Ms. Chowdhury, while defending the afore-noted decision of the

respondents, submitted that the petitioner is holding the post of Principal and there could be no insistence on the petitioner being posted at any nearby station without there being any vacant position at a nearby place.

With respect to the arguments advanced on behalf of the petitioner that he has been punitively transferred from a hard station to a very hard station, Ms. Chowdhury has responded that the entire Northeast is considered to be hard station and there is no classification of hard station and very hard station at all.

However, we find that the transfer order dated 16.03.2026 is without any recorded reason which is mandated under the NVS transfer policy.

The response affidavit on behalf of the respondent Nos.2 and 3 on the above issue shall be filed on or before the next date.

Re-notify on **05.08.2026**.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**