

GAHC040012202025

2026:GAU-AP:167



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

Case No. : WP(C)/331/2025

Hano Moda

Son of Shri Hano Talang, presently residing at DFO Quarter, Opposite to DC Bungalow, Komlighat Road, Pasighat, PO and PS Pasighat, East Siang District, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors

represented by the Principal Secretary, Department of Environment, Forest and Climate Change, (EF and CC), Govt of Arunachal Pradesh, Itanagar.

2:The Principal Chief Conservator of Forests and Head of Forest Force

Age: 0

Occupation :

Govt of Arunachal Pradesh

Itanagar.

3:Neeraj Tamuk

Age: 0

Occupation :

Assistant Conservator of Forest (on Probation) ACF Mobile Squad

CAC

Pasighat

East Siang District

Arunachal Pradesh

Advocate for the Petitioner : Khoda Tama, Radhe Sumpa, Tasso Dodung, R Barman, Khoda Yubey, Jambey Tsering, T Lampung, Hinti Jeram

Advocate for the Respondent : Nikita Danggen; Kamal Saxena; Oken Duggong; Kirpi Nyorak; Phurpa Wangmu; Nani Kuru; GA (AP), Kamal Saxena

Linked Case : WP(C)/445/2025

Hano Moda

Age: 40

Occupation :

Address: Son of Hano Talang
presently residing at DFO Quarter
Opposite to DC Banglaw
Komlighat Road
Pasighat
PO and PS Pasighat
East Siang District
Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors

Age: 0

Occupation :

Address: represented by the Principal Secretary
Department of Environment
Forest and Climate Change
Govt of Arunachal Pradesh
Pradesh
Itanagar.

2: The Principal Chief Conservator of Forest and Head of Forest Force

Age: 0

Occupation :

Address: Govt of Arunachal Pradesh
Itanagar.

3: Neeraj Tamuk

Age: 0

Occupation :

Address: Assistant Conservator of Forest (on probation) ACF Mobile Squad
CAC
Pasighat
East Siang District
Arunachal Pradesh

Advocate for : Khoda Tama

Advocate for : GA (AP) appearing for The State of AP and 2 Ors: Advocate ,

:::BEFORE:::

HON'BLE MR. JUSTICE KARDAK ETE

Date on which judgment is reserved : 18.02.2026

Date of pronouncement of judgment : 18.02.2026

Whether the pronouncement is of the

Operative part of the judgment : N/A

Whether the full judgment has been

Pronounced : Yes

Judgment & Order (Oral)

Heard Mr. K. Tama, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the State respondent Nos. 1 & 2 and Ms. N. Danggen, learned counsel for the respondent No.3.

2. The challenge made in this writ petition is to the order of transfer dated 16.07.2025, passed by the Principal Chief Conservator of Forests (PCCF) & Head of Forest Force (HoFF), [Environment, Forest & Climate Change (E, F & CC)], Government of Arunachal Pradesh, whereby as many as 15 (fifteen) State Forest Officers, including the petitioner and Respondent No. 3, have been transferred and posted to different places of posting and also to the subsequent order dated 05.09.2025, passed by the Principal Chief Conservator of Forests (PCCF) & Head of Forest Force (HoFF), [Environment, Forest & Climate Change (E, F & CC)], Government of Arunachal Pradesh, by which the representation of the petitioner seeking retention at Pasighat has been rejected and the petitioner

has been directed to report to his new place of posting as Divisional Forest Officer (DFO), Silviculture Division, Itanagar.

3. The case, in brief, is that the petitioner is an Arunachal Pradesh Forest Service Officer (APFS) serving in the cadre of Additional Deputy Conservator of Forests (ADCF) and is presently posted as Divisional Forest Officer (DFO), Pasighat Forest Division, Pasighat, pursuant to the transfer order dated 13.07.2023. While the petitioner was serving as DFO, Pasighat Forest Division, vide order dated 16.07.2025 passed by the PCCF & HoFF (E, F & CC), as many as 15 officers of the Forest Department, including the petitioner and Respondent No. 3, have been transferred to different places of posting. The petitioner has been transferred and posted as DFO, Silviculture, Itanagar and Respondent No. 3, who is serving as Assistant Conservator of Forests (ACF) on probation, has been posted as DFO, Pasighat Forest Division, in place of the petitioner.

4. According to the petitioner, the service conditions of the Arunachal Pradesh Forest Service are governed by the Arunachal Pradesh Forest Service Rules, 2019 (in short, the APFS Rules, 2019). As per Rule 3(2) thereof, there are four grades of cadre, namely, Entry Grade, Senior Grade, Selection Grade and Administrative Grade. The post of Assistant Conservator of Forests (ACF) falls under the Entry Grade, whereas the post of Additional Deputy Conservator of Forests (ADCF) is a Senior Grade post. A person appointed or promoted to the Entry Grade of the service is required to undergo probation for a period of two years. Schedule-I to the APFS Rules, 2019 prescribes the cadre strength of each of the four grades of service. As per Schedule-I C, there are 19 posts of ADCFs (Senior Grade), which include one post in the Pasighat Forest Division. Schedule-I D provides for 22 posts of ACFs (Entry Grade), designated as attached officers in various Forest Divisions.

5. It is the contention of the petitioner that the Respondent No. 3 being an ACF, an officer in the Entry Grade and that too on probation, is not eligible to hold the post of DFO, Pasighat Forest Division, as the post of DFO, Pasighat Forest Division is to be manned by the cadre of ADCF (Senior Grade). The Respondent No. 3 has been promoted to the post of ACF (Entry Grade) only on 25.03.2025 and is still on probation for 2 years. Therefore, he is not even a member of the regular service in the cadre of ACF. Even if his service is confirmed as ACF, the Respondent No. 3 cannot be allowed to be posted and hold the post of DFO as the same is to be mandatorily held by an officer in the cadre of ADCF (Senior Grade). Therefore, the transfer of the petitioner, who is entitled to hold the post of DFO, Pasighat Forest Division, by replacing him with Respondent No. 3, who is an officer on probation and lower in the cadre, is not permissible under law as it violates the service conditions provided in the APFS Rules, 2019.

6. Aggrieved by the impugned transfer order dated 16.07.2025, the petitioner submitted a written representation on 19.07.2025, *inter alia*, stating that the post of DFO, Pasighat is earmarked under Schedule I of the APFS Rules, 2019 for an officer of the Senior Grade, namely ADCF, to which cadre he belongs and that his replacement by an officer lower in rank and not entitled to hold the said post is illegal and therefore, sought retention as DFO, Pasighat.

7. On his representation not being responded to, the petitioner filed WP(C) No. 331/(AP) 2025. During the pendency of the writ petition, vide the subsequent impugned order dated 05.09.2025, the IFS, PCCF & HoFF (E, F & CC) disposed of the representation of the petitioner by directing him to report to his new place of posting as DFO, Silviculture Division, Itanagar. Hence, the present WP(C) No. 445/(AP) 2025 has been filed.

8. Mr. K. Tama, learned counsel for the petitioner, submits that the impugned transfer order dated 16.07.2025 is wholly illegal, inasmuch as the petitioner is sought to be replaced by Respondent No. 3, who is only an ACF on probation and is not legally eligible to hold the post of DFO, Pasighat, a post earmarked for a Senior Grade officer in terms of the APFS Rules, 2019. The Rules clearly provide that only officers in the Senior Grade, i.e., ADCF, can be appointed to the post of DFO, Pasighat Forest Division. He further submits that the subsequent rejection of the representation of the petitioner, vide order dated 05.09.2025, by the PCCF is equally arbitrary and illegal, as it was rejected mechanically without considering the objections raised by the petitioner. Therefore, since the very foundation of the impugned order is contrary to the statutory provisions, the impugned transfer order is not sustainable.

9. Mr. Tama, learned counsel, while referring to the judgment and order passed by this Court in the case of **Mori Riba vs. State of Arunachal Pradesh & Ors.**, in **WP(C) 76/(AP) 2025**, dated 19.05.2025, submits that this Court has already held that an ACF on probation cannot be posted as DFO to a post earmarked for Senior Grade and had set aside a similar transfer order as being illegal and arbitrary. He submits that the ratio of the said decision squarely applies to the case of the petitioner, yet the authorities have ignored this binding precedent and have allowed the illegality to perpetuate.

10. Mr. Tama, learned counsel, submits that the impugned orders dated 16.07.2025 and 05.09.2025, not only violate the APFS Rules, 2019, but also Articles 14 and 16 of the Constitution of India, as the respondent authorities have sought to equate unequals by arbitrarily replacing the duly eligible Senior Grade officer with an ineligible probationary Entry Grade officer. Accordingly, the impugned orders dated 16.07.2025 and 05.09.2025 are manifestly arbitrary and

therefore, liable to be set aside and quashed.

11. On the other hand, Ms. G. Ete, learned Additional Senior Government Advocate for the State respondent Nos. 1 & 2, submits that it is true that Respondent No. 3 was promoted to the post of ACF, Entry Grade, on 25.03.2025 and is on probation. However, there is no statutory provision under the APFS Rules, 2019 which debars an APFS officer in the rank of ACF (Entry Grade), who is on probation, from being transferred and posted to hold charge of DFO. She submits that Pasighat Forest Division, being a cadre division, the post of DFO is to be held by an IFS cadre officer. Due to non availability of sufficient IFS cadre officers, the State Government, being the competent authority, may consider posting a non cadre officer. She submits that transfer and posting is a normal and routine exercise, which is essentially an administrative order for ensuring optimal functioning and service delivery. It is the prerogative of the respondent authorities to transfer their employees on administrative exigencies.

12. Ms. G. Ete, learned Additional Senior Government Advocate, submits that the petitioner, having completed his normal tenure, has been posted in the same rank of DFO from Pasighat Forest Division to the Silviculture Division at Itanagar as DFO. She contends that no legal right, much less any fundamental right has been infringed and no prejudice has been caused to the petitioner. Therefore, merely posting an officer below the cadre of the petitioner cannot be termed illegal or arbitrary, as no right of the petitioner has been violated. Accordingly, she submits that the writ petitions have no merit and are liable to be dismissed.

13. Ms. N. Danggen, learned counsel for Respondent No. 3, while subscribing to the submissions of the learned Additional Senior Government Advocate,

submits that as per Rule 27 of the APFS Rules, 2019, any member of the APFS can be posted to a duty post as per the exigencies of service. As per Rules 25 and 26, even a non-member of the APFS can be appointed to hold a post on an officiating basis in the event of a lack of adequate numbers of officers. Therefore, it is not a hard and inviolable rule that the duty post at Pasighat Forest Division is to be held only by the petitioner merely because he belongs to the ADCF cadre. She submits that the Pasighat Forest Division is to be manned by a Deputy Conservator of Forests (DCF), which is a cadre post for members of the IFS. The petitioner, being an ADCF under the APFS, was also not originally eligible to hold the post of DFO. However, due to the shortage of cadre posts of DCF/IFS, the petitioner was allowed to hold the post, although he was not eligible. Now, having been transferred after completing the normal tenure of two years, he cannot claim that he cannot be transferred, in view of the fact that no right of the petitioner has been violated.

14. Ms. N. Danggen, learned counsel, while placing reliance on the judgment and order in the case of **Er. Taban Tabing vs. The State of Arunachal Pradesh & 2 Ors.**, dated 19.06.2025, passed by the Division Bench of this Court in **WA No. 21/(AP)2025**, submits that so far as the reliance on the order of this Court in **Mori Riba** (supra) by the learned counsel for the petitioner is concerned, the facts and circumstances of that case are completely different from the present case, as it involved frequent transfer. She submits that the Division Bench, while considering the order in **Mori Riba** (supra), held that, although it may be correct that normally *inter se* transfer between officers who are not similarly placed may not be permissible, there is no complete bar to transferring an officer serving on In-Charge, Officiating, or Functional basis in a higher post, unless it causes prejudice or affects the service condition of the

officer who is being transferred to a different place of posting with the same rank, status and benefits, depending on administrative exigencies. In the present case, she submits that the petitioner has not made out any case for interference by this Hon'ble Court, as no prejudice has been shown to have been caused by the impugned transfer order. There is nothing on record to indicate that his service conditions have been affected. In fact, the new place of posting as DFO, Silviculture Division, is also a cadre division and the transfer does not amount to a demotion or affect his service conditions. Therefore, she submits that the writ petitions are liable to be dismissed.

15. I have considered the submissions of the learned counsels for the parties and also perused the materials available on record.

16. The petitioner is an ADCF cadre officer in the APFS, whereas Respondent No. 3 is an ACF cadre officer on probation, a cadre post below the ADCF. By the impugned order dated 16.07.2025, the respondent authorities transferred as many as 15 officers of the APFS, including the petitioner and Respondent No. 3.

17. Essentially, the petitioner challenges the impugned transfer order in respect of Respondent No. 3 on the ground that the post of DFO, Pasighat Forest Division, has been earmarked for an ADCF cadre officer. Being an ADCF cadre officer himself, the petitioner contends that Respondent No. 3 is not eligible to hold the post of DFO in his place and that the replacement violates Schedule-I C of the APFS Rules, 2019, as both officers are not similarly placed.

18. To appreciate the matter, it is apposite to refer to the relevant provisions of the APFS Rules, 2019, which is reproduced hereinbelow:

"...3. Constitution of service and its classification:

(1) There shall be constituted a State Forests Service to be known as Arunachal

Pradesh Forest Service.

(2) The service shall have the following 4(four) grades namely:-

(a) Entry Grade

(b) Senior Grade

(c) Selection Grade

(d) Administrative Grade

(3) The posts specified in all Grades shall be State Civil Services Group-"A" (Gazetted) posts.

(AUTHORISED PERMANENT STRENGTH OF THE POSTS)

4.Strength of the Service:

The authorised permanent strength of the service and the posts included therein shall be as specified in Schedule-I.

(i). The number of posts in Senior Grade of the service shall be 30% of the duty posts inclusive of Deputation Reserve, Training Reserve and Leave Reserve.

(ii). The number of posts in Selection Grade of the service shall be 20% of the duty posts inclusive of Deputation Reserve, Training Reserve and Leave Reserve mentioned in Schedule-I.

(iii). The strength of the posts in the 'Administrative Grade' shall be as specified in Schedule-I. (However, this strength should not exceed 15% of the duty posts, inclusive of Deputation Reserve, Training Reserve and Leave Reserve).

(iv). Subject to such conditions and limitations as may be specified by the Government, duty posts for such period by order may be created.

(v). The Government may, in consultation with the Commission, include in the service, any posts other than those included in the said schedule.

(vi). The Government may, in consultation with the Commission, appoint to the service the regular incumbent of such post which has been included in the service to permanent or temporary capacity, as may be deemed fit. The suitability of such officers for appointment shall be assessed by the Departmental Promotion Committee constituted under Rule-14.

(vii). Notwithstanding, anything contained in sub-rule (iv) and (v) of these Rules, in case any regular Incumbent of such post which has been included in the service under sub-rule (v) is not found suitable for appointment to the

service under sub-rule (vi), he will continue to hold the post and for the purpose, the post will be treated to have been excluded from the service till it is held by such incumbent. Such person may be reconsidered by the Committee at appropriate occasions.

25. Selection for officiating appointment:

If at any time the Government is of the opinion that the number of officers available in the list referred to in sub-rule (7) of Rule-15 for appointment to duty posts is not adequate having regard to the vacancies in such posts, it may direct the committee to consider the case of officers who have officiated for a period of not less than 5 (five) years in any of the posts mentioned in Schedule-I and prepare a separate list of officers selected. The selection for inclusion in the list shall be based on merit and suitability in respects for officiating appointments to duty posts with due regard to seniority. The provision of sub-rule (3) to (8) of Rule-15 shall apply mutatis-mutandis in the preparation of the list under this rule.

26. Officiating appointments to duty posts of the service:

(1). If any member of the service is not available for holding a duty post, the post may be filled on an officiating basis:-

(a) by the appointment of an officer included in the list referred to in sub-rule (7) of Rule-15, or

(b) If no such officer is available, by the appointment of an officer included in the list prepared under Rule-25.

(2). Notwithstanding anything contained in these rules, if the exigencies of public service so require, a duty post for which a member of the service is not available, may be filled on an officiating basis with prior consultation with the Commission by an officer belonging to a Forest Service of any of the State/UT Government on deputation for such period or periods ordinarily not exceeding 3 (Three) years as the Government may consider it necessary.

(3) Notwithstanding anything contained in these rules, where appointment to a duty post is to be made purely as a local arrangement for a period of not exceeding 6 (Six) months, such appointments may be made by the Government from persons who are included in the list prepared under sub-rule (7) of Rule-15 or who are eligible for inclusion in such a list.

(4) Any appointment made under sub-rule (3) above shall be reported by the Government to the Commission forthwith.

27. Posting of member of the service:

(i). Every member of the service shall, unless he/she is appointed to an ex-

cadre post, or is otherwise not available for holding a duty post owing to the exigencies of public service, be posted against a duty post under the Government of Arunachal Pradesh in or outside the State by the Government.

(ii). A member in the service shall have compulsorily served a minimum tenure of period in duty posts as may be specified by the Government from time to time.

SCHEDULE-I

C. Post under Additional Deputy Conservator of Forests as attached Officer in various Forest Division as under (19 posts):

Sl. No.	Name of Upgraded post of APFS	No. of post	Pay Level in the Pay Matrix Level-11, Rs. 67700-208700
3.	Addl. Dy. Conservator of Forests, Pasighat Forests Division	01	-do-

19. A bare reading of the above rules shows that under the Arunachal Pradesh Forest Service there shall be four grades, namely, Entry Grade, Senior Grade, Selection Grade and Administrative Grade. The post of ACF falls under the Entry Grade, whereas the post of ADCF is a Senior Grade post. The authorised permanent strength of the service and the posts shall be as specified in Schedule-I. Schedule-I C provides that posts under Additional Deputy Conservator of Forests as attach officers in various Forest Divisions comprises 19 posts, including the Pasighat Forest Division, which means that an ADCF may be attached as an officer in the said Division.

20. Rules 25, 26 and 27 pertain to officiating appointments and the posting of members of the service on duty post, which, *inter alia*, provide that in the event

the Government is of the opinion that the number of officers available for appointment to duty posts is not adequate having regard to the vacancies in such posts, may be directed to consider from the officers who have officiated for 5 years, if no member of the service is available. The rules also reflect that every member of the service shall, unless appointed to an ex-cadre post or otherwise unavailable for holding a duty post owing to exigencies of public service, be posted against a duty post under the Government of Arunachal Pradesh, in or outside the State. Thus, the above rules have no relevancy in the present case as it only relates to officiating appointments and duty post and therefore, cannot be pressed into service.

21. On perusal of Schedule-I C to the APFS Rules, 2019, no doubt, the post under the ADCF as attached officer includes the Pasighat Forest Division; however, it does not provide that the post of DFO is to be manned exclusively by an ADCF cadre officer, as the DFO, Pasighat Forest Division, is fundamentally a post for the IFS cadre officer, who would be DCF. The post of ADCF may be attached to such a division; however, it cannot be construed that the DFO of Pasighat Forest Division is to be held only by an ADCF officer and not by officers of other cadres. There is no dispute regarding the posting of ADCF and other cadre officers as DFO of the Forest Divisions and at the same time, certain Forest Divisions, including Pasighat, are primarily, the posts to be manned by DCF/IFS cadre officers.

22. It is also stated at the Bar that due to the lack of adequate DCF/IFS cadre officers, the posts of DFO are being allowed to be held by ADCF and other cadre officers. Thus, it cannot be said that the post of DFO, Pasighat Forest Division, is exclusively to be manned by an ADCF cadre officer; rather, the post is to be held by a DCF/IFS officer and in view of shortage of such officers, the post may be

held by an ADCF officer. Thus, the submission that the impugned order violates the provisions of the APFS Rules, 2019, cannot be accepted, as the post of DFO, Pasighat Forest Division, is not exclusively earmarked for the ADCF cadre officer in which the petitioner is serving.

23. It is true that, under normal circumstances, *inter se* transfers of officers who are not in the same cadre or of equal rank may not be permissible. However, there is no absolute bar to such transfers if the respondent authorities allow officers with sufficient experience to be posted to a higher post, provided that the transfer is in the interest of administrative exigencies and public service.

24. The learned counsel for the petitioner, on a pointed query by this Court during the hearing as to whether any right of the petitioner had been violated, fairly submitted that no right is infringed as such, however, the transfer of Respondent No. 3 as DFO, Pasighat Forest Division, amounts to replacement by an officer of lower rank, which, according to him, is not permissible under law. The learned counsel for the petitioner having admitted this position and the petitioner having been transferred as DFO, Silviculture Division, with equal rank and status after completion of his normal tenure, the Court finds that no prejudice has been caused to him and no violation of the APFS, Rules, 2019 is discerned. There is nothing on record to indicate that his service conditions have been affected, rather the new place of posting as DFO, Silviculture Division, Itanagar is also a cadre division and it does not affect his service conditions.

25. Coming to the case of **Mori Riba** (supra), heavily relied upon by the learned counsel for the petitioner, it is seen that same has been considered by a Division Bench of this Court (which this court was a part of), in the case of **Er.**

Taban Tabing (supra), which is reproduced hereinunder:

"...17. The case of Hibu Tama (supra) pertains to transfer of a Superintending Engineer in the Rural Works Department, wherein, the regular Superintending Engineer was sought to be replaced by functional Superintending Engineer, whose substantive post was Executive Engineer and having found that the petitioner and the private respondent being not similarly placed Officers in the Department, there cannot be an inter se transfer between the petitioner and the private respondent, and accordingly, the transfer order was held to be legally unsustainable.

18. The case of Mori Riba (supra), pertains to the transfer of Deputy Conservator of Forest as Divisional Forest Officer and in his place the Assistant Conservator of Forest, which is lower in rank was sought to be retained. The learned Single Bench has made a reference to the judgment of Niapung Konia (supra) and Hibu Tama (supra), wherein, in similar circumstances the transfer order was found to be illegal and interfered with.

19. Perusal of the above judgments of the learned Single Benches of this Court, shows that the learned Single Benches have held that it is not permissible to make inter se transfer between Officers who are not similarly placed Officers in the Department. Having perused the judgements, we are of the view that it may be correct that normally, it may not be permissible to make inter se transfer between Officers who are not similarly placed Officers in the Department. However, there would not be a complete bar to transfer an Officer serving on In-charge/Officiating or Functional basis in a higher post unless it has caused any prejudice and affect the service conditions of the Officer, who is sought to be transferred to a different place of posting with same rank, status and benefits depending on administrative exigencies. It is true that the higher Officer cannot be replaced by a junior Officer, who may not be competent to work in the said post, however, in the given circumstances, if the Officer is competent, having the knowledge and experience with his/her considerable length of service, in our view, there would not be a bar on such transfer and posting. In the present case, there is nothing on record to show that the junior Officer, who has been allowed to serve as In-Charge in the higher post for a considerable time cannot be allowed to serve as In-Charge of that post considering the service experience of the junior Officer which may have gained in the course of service.

21. In the normal circumstances, it may not be permissible to make a inter se transfer between Officers who are not similarly placed Officers in

the Department, but in the attending facts and circumstances of the present case, we find no reason why the appellant cannot be transferred from Boleng UD Division to an equivalent post of Surveyor of Works in the Office of the Chief Engineer at Itanagar, after having been allowed to serve for 4 (Four) years, whereas, the normal tenure is of 2 (Two) years and the private respondent No. 3, who is one of the many Officers who has been allowed to serve as In-Charge of an equivalent post of Executive Engineer for a considerable period of time cannot be transferred to a post of an Executive Engineer, in view of the fact that in the Department, out of 36 (Thirty-Six) posts of Executive Engineers, only 11 (Eleven) Officers are serving on regular basis and the rest are either allowed to serve as Officiating, Functional or In-charge basis, including the private respondent No. 3 due to certain genuine reasons.

22. We may refer to some of the settled principle of law on judicial review in the matters of transfer of Government employees by the Hon'ble Supreme Court. In the case of N.K. Singh vs. Union of India, reported in (1994) 6 SCC 98, the Hon'ble Supreme Court has held that the scope of judicial review in matters of transfer of a government servant to an equivalent post without any adverse consequence on the service or career prospect is very limited being only grounds of mala fide and violation of any specific provision of law.

23. In the case of Rajendra Singh & Ors. vs. State of Uttar Pradesh & Ors., reported in (2009) 15 SCC 178, the Hon'ble supreme Court has held which is reproduced herein under:-

"..8. A government servant has no vested right to remain posted at a place of his choice nor can he insist that he must be posted at one place or the other. He is liable to be transferred in the administrative exigencies from one place to the other. Transfer of an employee is not only an incident inherent in the terms of appointment but also implicit as an essential condition of service in the absence of any specific indication to the contrary. No Government can function if the government servant insists that once appointed or posted in a particular place or position, he should continue in such place or position as long as he desires.

9. The courts are always reluctant in interfering with the transfer of an employee unless such transfer is vitiated by violation of some statutory provisions or suffers from mala fides" In Shilpi Bose v. State of Bihar this Court held:

"4. In our opinion, the courts should not interfere with a transfer order which is made in public interest and for administrative

reasons unless the transfer orders are made in violation of any mandatory statutory rule or on the ground of mala fide. A government servant holding a transferable post has no vested right to remain posted at one place or the other, he is liable to be transferred from one place to the other. Transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest."

26. In the present case, the petitioner has failed to show any adverse consequence on his service or career prospects or any prejudice, nor has any *mala fide* or violation of any statutory rule been alleged. Admittedly, he has been transferred after completion of 2 years at Pasighat Forest Division as DFO to Silviculture Division, Itanagar as DFO to an equivalent post. Thus, this Court finds no illegality or arbitrariness in the transfer order dated 16.07.2025.

27. In view of the discussions made hereinabove, this Court finds no ground to interfere with the transfer and posting order dated 16.07.2025, passed by the Principal Chief Conservator of Forests & Head of Forest Force (HoFF), (E, F & CC), Government of Arunachal Pradesh, and the order dated 05.09.2025 rejecting the representation of the petitioner. Accordingly, the writ petitions stand dismissed.

However, considering that neither the petitioner nor Respondent No. 3 is entitled to claim the post of DFO, Pasighat Forest Division, the respondent authorities are at liberty to pass appropriate order posting a DCF/IFS cadre officer as DFO, Pasighat Forest Division. In the event of a shortage of DCF/IFS officers, an officer otherwise eligible to hold the post of DFO may be posted, as

deemed necessary by the competent authority.

JUDGE

Comparing Assistant