

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
LPA No.253 of 2026
Date of Decision:- 08.05.2026

Shiv Kumar Nadda **...Appellant**

Versus

State of Himachal Pradesh & others **...Respondents**

Coram

The Hon'ble Mr. Justice G.S. Sandhwalia, Chief Justice
The Hon'ble Mr. Justice, Bipin Chander Negi, Judge

Whether approved for reporting?¹

For the Appellant : Mr. Virbahadur Verma, Mr. Mukul Sharma and Mr. Anu Minhas, Advocates.

For the Respondents : Mr. Arsh Rattan, Deputy Advocate General, for respondents No.1 to 4-State.

G.S. Sandhwalia, Chief Justice (Oral).

Consideration in the present Letters Patent Appeal is sought to the order passed by the learned Single Judge in ***CWP No.16958 of 2025*** titled ***Shiv Kumar Nadda Vs. State of Himachal Pradesh and others***, decided on 03.03.2026, whereby the learned Single Judge did not interfere in the order dated 28.10.2025 (***Annexure P-3***), whereby the petitioner's earlier transfer order dated 18.10.2025 (***Annexure P-1***) was cancelled. Resultant effect was that the petitioner continuous to

¹ Whether reporters of Local Papers may be allowed to see the judgment?

be posted as Lect./Lect.(SN) Chemistry at GSSS Baldwara (Mandi) and not at GSSS Dhanather, (Bilaspur), where he wishes to.

2. The learned Single Judge has categorically recorded that the earlier transfer order dated 18.10.2025 (**Annexure P-1**) was got by way of mutual consent with private respondent No.5 and apparently since the appointment of the appellant in the year 2005 he continued to stay in the same station District Bilaspur and within the radius of 50 kilometers. It is in such circumstances, the learned Single Judge has chosen not to interfere in the cancellation of the transfer order.

3. Counsel for the appellant has vehemently submitted that the cancellation was at the behest of private respondent No.6. A perusal of the array of parties would go on to show that private respondent No.6 is a party figure and not connected as such in any manner with the Director of Higher Education who firstly passed the transfer order and thereafter cancelled.

4. In such circumstances, we are of the considered opinion that keeping in view the limited jurisdiction of the writ Court and that the issues of transfer can only be challenged if there is malafide of the official who passed the transfer orders and on account of the fact that the transfers are in exigency of

services and the administration has to be best left to the authorities to their wisdom as to how best use their employees.

5. The learned Single Judge has chosen not to exercise the discretion, keeping in view the history and the postings as such of the appellant consistently in District Bilaspur over the last 20 (twenty) years.

6. In such circumstances, we are not inclined to take a different view as we do not find that the view taken by the learned Single Judge as such suffers from any illegality or perversity which would warrant interference. Resultantly, the present appeal stands dismissed.

7. Pending miscellaneous application(s) if any, shall also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

8th May, 2026

(Munish Thakur)