

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 10230 of 2026.

Decided on : 10th July, 2026.

Kailash Chand

...Petitioner.

Versus

State of H.P. & Ors.

....Respondents.

Coram:

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

*Whether approved for reporting?*¹

For the Petitioner:

Ms. Shivani, Advocate, for the petitioner.

For the respondents:

Mr. Anup Rattan, Advocate General with Mr. Pushpender Jaswal, Addl. Advocate General.

Ajay Mohan Goel, Judge (Oral).

By way of instant petition, the petitioner has inter alia prayed

for following reliefs:-

"a. That a writ in the nature of Certiorari may kindly be issued for quashing and setting aside the transfer order dated 19.06.2026. whereby the petitioner has been transferred from GMS Kundi u/c GSSS Sunara, District Chamba, to GSSS Mandha (CBA). District Chamba, vice private respondent No. 6. being illegal, arbitrary, discriminatory, violative of the applicable transfer policy and contrary to the directions issued by this Hon'ble Court.

b. That a writ in the nature of Mandamus may kindly be issued directing the respondents to consider and accommodate the petitioner against any of the stations of his choice mentioned in representation dated 11.12.2025, in accordance with the applicable transfer policy and the directions issued by this Hon'ble Court in CWP No. 4372 of 2026, dated 02.04.2026 after

¹ Whether reporters of the local papers may be allowed to see the judgment?

...2...

taking into consideration the petitioner's long tenure of more than 13 years in a Hard Area.

c. That during the pendency of present writ petition, the operation and implementation of the impugned transfer order dated 19.06.2026, whereby the petitioner has been transferred from GMS Kundi under GSSS Sunara, District Chamba, to GSSS Mandha (CBA), District Chamba, vice private respondent No. 6, may kindly be stayed and the respondents may/further be directed not to relieve the petitioner from his present place of posting and to permit him to continue their till the final adjudication of the present writ petition, in the interest of justice."

2. On 25.06.2026, this Court had passed the following order:-

"Notice confined to respondents No. 1 to 5. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of said respondents.

The grievance of the petitioner is that though in terms of impugned transfer order, the private respondent has been adjusted at his place but vide the said transfer order, the petitioner, who is serving in the sub-cadre area for the last 12 years now stands transferred to a Tribal area.

Learned Counsel for the petitioner submits that this has been done by ignoring order dated 02.04.2026 (Annexure P-2), in terms whereof, the representation of the petitioner has earlier been ordered to be decided.

Learned Additional Advocate General submits that he may be granted some time to have instructions. List on 03.07.2026. Though, this Court is not staying the operation of the impugned order but it is observed that the petitioner shall not be forced to join the station, to which, he stands transferred in terms of the impugned order and the petitioner is at liberty to avail the kind of leave due to him. Endeavour be made by the Authority to

...3...

adjust the petitioner at the station of his choice for the reason that he has already served in the sub-cadre area for about 12 years."

3. Today, learned Additional Advocate General has handed over office order dated 08.07.2026 issued by the Directorate of School Education, in terms whereof, the Court has been informed that the petitioner stands transferred/adjusted in GMS Tur u/c GSSS Sunara, District Chamba, H.P.

4. In light of these developments, as the appropriate relief stands granted to the petitioner, this petition is closed and disposed of accordingly. Pending applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

10th July, 2026.
(jai)