

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6162/2026

Dr. Girish Bhabhor S/o Late Shri Rajesh Bhabhor, Aged About 33 Years, Resident Of Village Jhiklee, Tehsil Kushalgarh, District Banswara.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, Medical And Health Department, Govt. Of Rajasthan, Secretariat, Jaipur (Rajasthan).
2. Deputy Secretary, Medical And Health, Group II and Panchayati Raj (Medical) Department, Govt. Of Rajasthan, Secretariat, Jaipur, Rajasthan.
3. Director, Medical & Health Department Rajasthan, Jaipur.
4. Chief Medical And Health Officer, Banswara.

-----Respondents

For Petitioner(s)	:	Mr. Narpat Singh Rajpurohit
For Respondent(s)	:	Mr. Tanuj Jain for Mr. Mukesh Dave, AGC.

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

05/05/2026

By way of filing the present writ petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:

"It is therefore prayed that this writ petition may kindly be allowed and by appropriate writ, order or directions the following order may be passed:

1) That the transfer order dated 15.01.2025 (Annx-1) and the order dated 20.02.2026 (Annx-7) and reliving order dated 24.02.2026 (Annx-8) and the order passed by the Learned Tribunal dated 10.03.2026 (Annex-10) may kindly be quashed and set aside.

2) That the respondents may be directed to allow the petitioner to work as Block Chief Medical Officer, Kushalgarh, Banswara with regular salary consequential benefits. And

3) Any other relief which this Hon'ble court may deem fit in favor of the petitioner may also be awarded to the petitioner."

2. Having heard learned counsel for the parties and having perused the material available on record, this Court finds that the petitioner, who was holding the post of BCMO, Kushalgarh, Banswara, vide order dated 15.01.2025 issued by the respondents, was transferred to CHC Sabla, District Dungarpur. The validity of the transfer order dated 15.01.2025 was challenged by the petitioner by way of filing an appeal before the Rajasthan Civil Services Appellate Tribunal (learned RAT). The learned RAT initially, vide order dated 20.02.2025, stayed the effect and operation of the transfer order dated 15.01.2025 and, considering the health condition of the petitioner, directed the respondent authorities to decide the representation of the petitioner by a speaking order.

3. The competent authority of the respondent department, after a lapse of one year, vide order dated 20.02.2026, rejected the representation of the petitioner, and the petitioner was relieved from the post held by him on 24.02.2026.

4. The validity and correctness of the order dated 20.02.2026 were again challenged by the petitioner before the learned RAT. The learned RAT, vide order dated 10.03.2026, rejected Appeal No. 331/2026 filed by the petitioner.

5. The orders dated 20.02.2026 and 24.02.2026 passed by the respondents, and the order dated 10.03.2026 passed by the learned RAT in Appeal No. 331/2026 titled as 'Dr. Girish Bhabhor v. State & Ors.', have been challenged before this Court in the present writ petition.

6. This Court, on 19.03.2026, while issuing notices to the respondents, was pleased to stay the effect and operation of the

order dated 20.02.2026 and the relieving order dated 24.02.2026. This Court finds that in view of the aforementioned facts, the transfer order dated 15.01.2025, transferring the petitioner from the post of BCMO, Kushalgarh, Banswara to CHC Sabla, Dungarpur could not be given effect to for more than one year and five months.

7. In the opinion of this Court, the administrative exigency which might have warranted the transfer of the petitioner from one place to another does not survive after a significant lapse of time (i.e., more than one year and five months). Although transfer of a government employee is an incident of service, such orders are required to be acted upon promptly, as a stale order fails the test of urgent necessity or urgent administrative grounds warranting transfer of the employee.

8. In view of the aforesaid discussion, the present writ petition is allowed. The transfer order dated 15.01.2025, the order rejecting the petitioner's representation dated 20.02.2026, and the relieving order dated 24.02.2026 are quashed and set aside. However, the respondents shall be at liberty to pass a fresh transfer order in respect of the petitioner if administrative reasons/exigency survive.

9. The stay application and all pending applications stand disposed of.

(KULDEEP MATHUR),J