

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



D.B. Special Appeal Writ No. 403/2026

Gopal Singh Asoliya S/o Goverdhan Singh, Aged About 55 Years,
Resident Of 203, Nakoda Nagar, Dauji Ki Bawadi, Bedwas Girwa,
Udaipur

-----Appellant

Versus

1. State Of Rajasthan, Through Its Secretary To Government, School Education Department And Language And Library Department And Panchayati Raj (Elementary Education) Department, 603, V Floor, Block 5, Shiksha Sankul, J.I.n. Marg, Jaipur 302017.
2. Director, Secondary Education, Bikaner, Rajasthan 334001

-----Respondents

For Appellant(s)	:	None present
For Respondent(s)	:	Mr. S.S. Rathore, AAG

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SANDEEP SHAH**

Order (Oral)

05/05/2026

Per: Arun Monga. J

1. Appeal herein is directed against the judgment dated 05.02.2026 passed by the learned Single Judge in S.B. Civil Writ Petition No.976/2026, whereby the challenge to the impugned transfer order of the appellant remained unsuccessful and his writ petition was dismissed.

2. It is, inter alia, pleaded in the writ petition that the appellant was appointed as Teacher Grade III on 11.10.1991 and joined service on 14.10.1991. He was transferred to PM Shri Govt. Senior Secondary School, Fateh Surajpole, Udaipur, vide order dated

10.08.2022 and joined on 13.08.2022. His wife has been suffering from cancer (brain tumor) since 2022 and is under treatment at GBH General & GBH Memorial Cancer Hospital, Udaipur, the only super-specialty hospital in the region capable of providing the required care.

2.1 However, by order dated 10.01.2026, appellant was transferred to PM Shri Govt. Senior Secondary School, Railmagra, District Rajsamand, on the post of Lecturer Grade I.

3. In view of the aforesaid backdrop, we have gone through the appeal paper book and also heard the learned counsel for the respondents.

4. First and foremost, it is apposite to advert to an interim order dated 15.04.2026 passed by the co-ordinate Bench of this Court, then seized of the matter, which reads as under:

“1. A copy of the memo of writ petition as well as copy of memo of appeal be supplied to the counsel for the respondents.

2. Learned counsel for the appellant submits that the wife of the appellant is suffering from cancer (brain tumor) and requires regular treatment. It is submitted that the appellant was posted at Udaipur for the said purpose, as his wife has been undergoing treatment at Cancer Hospital, Udaipur, since 2022. However, the appellant has now been transferred to Rajsamand. The appellant challenged the said order before the Tribunal and thereafter filed a writ petition before the learned Single Judge. However, the learned Single Judge has rejected the petition by passing a general order in respect of several cases without adverting to the facts of the case of the appellant.

3. Learned counsel further submits that the appellant was performing SIR duties, which have now been ended and that the appellant would be required to join on the post of Lecturer at Rajsamand. It is further submitted that no one else has been posted in his place at PM Shri Govt. Senior Secondary School, Fateh Surajpole, Udaipur.

4. Mr. S.S. Rathore, learned Additional Advocate General, accepts notice on behalf of the respondents.

5. In the meanwhile, the appellant shall be allowed to continue at PM Shri Govt. Senior Secondary School, Fateh Surajpole, Udaipur, till further orders, and shall also be allowed to draw his salary from the said post.”

5. On a Court query, learned counsel for the respondents submits that the appellant continues to be posted at his earlier assignment before the transfer order was passed.

6. Having given our thought to the entirety of the matter, since it turns out that the factual averments noted herein in the order as well as in the writ petition qua the ailment of the wife of the appellant are not disputed, on humanitarian grounds, as well as otherwise there being no administrative exigency existing any more at this stage, which was the case at the time of passing of the transfer order, the interim order above is made absolute.

7. However, liberty is granted that as and when in future there is any administrative exigency requiring the respondents to pass a fresh order, they shall not be precluded to do so in accordance with law.

8. With the aforesaid observations, the appeal stands disposed of.

9. Accordingly, the stay application also stands disposed of.

10. Any other pending applications also stand disposed of.

(SANDEEP SHAH),J

(ARUN MONGA),J