

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

S.B. Civil Writ Petition No. 15236/2026

CNR: RJHC010693732026

URN: CW / 27545U / 2026

Rakesh Kumar S/o Shri Rameshwar Lal, Aged About 36 Years, R/o Jatabas, Mohalla No.13, Rukhasar, Churu Presently Holding The Post Of Patwari At Patwar Mandal, Bigga, Sri Dungargarh, District Bikaner Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of Revenue, Govt. Of Rajasthan, Secretariat, Jaipur.
2. Divisional Commissioner, Bikaner, Rajasthan.
3. District Collector, Bikaner, Rajasthan.
4. Tehsildar, Sri Dungargarh, District Bikaner.

-----Respondents

For Petitioner(s) : Mr. A.R. Godara

For Respondent(s) : Mr. S.R. Paliwal

HON'BLE DR. JUSTICE NUPUR BHATI

Order

17/07/2026

1. The present writ petition has been filed by the petitioner with the following prayer:-

“i. The impugned transfer order dated 10.07.2026 (Annex-2) issued by the Divisional Commissioner Bikaner by which, humble petitioner has been transferred from Patwar Mandal Bigga, Tehsil Sri Dungargarh, District Bikaner to Tehsil Anoopgarh, District Sri Ganganagar may kindly be quashed and set aside qua the petitioner.

ii. Any other appropriate order or direction which the facts and circumstances of the case warrants be issued and;

iii. Costs of the Writ Petition be allowed in favour of the Petitioner.”

2. Brief facts of the case are that the petitioner is employed as a Patwari under the respondents. Vide order dated 10.07.2026, respondent No.2 transferred the petitioner from Patwar Mandal Bigga, Bikaner to Tehsil Anupgarh, District Sri Ganganagar, a posting approximately 400 kilometres away. Hence, this petition.

3. Learned counsel for the petitioner submits that, vide transfer order dated 10.07.2026 (Annex.1), the petitioner was transferred from Patwar Mandal, Bigga, Bikaner to Tehsil Anupgarh, District Sri Ganganagar, which is at a distance of 400 kms. He further submits that the impugned transfer order does not specify the Patwar Mandal to which the petitioner has been posted and merely mentions "Tehsil Anupgarh, District Sri Ganganagar", thereby rendering order vague and incomplete.

4. Learned counsel further submits that the impugned transfer order is contrary to Rule 9 of the Rajasthan Land Revenue (Land Records) Rules, 1957, which governs the transfer of Patwaris, and is therefore liable to be set aside. He further placed reliance upon the order dated 18.03.202021 passed by a co-ordinate bench of this Court in the case of **Rajpal Singh Vs. State of Rajasthan & Ors. (SBCWP No. 544/2021)**.

5. Learned GC, places reliance upon the order dated 28.02.2024 passed in case of *Vinod Kumar v. State of Rajasthan & Ors. : SBCWP No.2951/2024* as well as upon the judgment passed in the case of *Praveen Kumar Vs. State of Rajasthan & Ors. (SBCWP No. 4589/2024)* and submits that a Co-ordinate Bench of this Court, while considering the similar issue, has dismissed writ petitions and thus, the respondents have not

violated the provisions as laid down in Rule 9 of the Rajasthan Land Revenue (Land Records) Rules, 1957.

6. Heard.

7. Upon perusal of the transfer order dated 10.07.2026 (Annex.1), it is observed that the petitioner has been transferred from Patwar Mandal, Bigga, Bikaner to Tehsil Anupgarh, District Sri Ganganagar. However, the impugned order does not specify the Patwar Mandal at which the petitioner is required to report and join duties, and merely mentions "Tehsil Anupgarh District Sri Ganganagar", thereby rendering the transfer order incomplete and lacking in specificity.

8. This Court finds that the case in hand is squarely covered by the judgment passed in the case of *Rajpal Singh (supra)* and the relevant part of the judgment is reproduced hereunder:-

“11. Having made above legal submission, learned counsel for the petitioner took the Court through the basic fact, rather the impugned order passed by the Board of Revenue and argued that so far as petitioner is concerned, a simple indication has been made that he is transferred from Patwar Mandal Akadali, Tehsil Pachpadra, District Barmer to District Hanumangarh. With an expression of astonishment he argued that the competent authority who subjected the petitioner to transfer, was not even aware as to whether any post is lying vacant or has become vacant or any exigency has arisen in a particular Patwar Circle, so that the petitioner is/was required, yet he has transferred the Patwari in the District of Hanumangarh. 27. In considered opinion of this Court, the fact that the petitioner has been shunted from Patwar Mandal Akadali, Tehsil Pachpadra, District Barmer to District Hanumangarh, without indicating Patwar Circle or even Tehsil is enough to show lack of application of mind. It cannot be inferred that the competent authority was aware of the present vacant position in District Hanumangarh and that too the requirement of petitioner's efficiency in such Patwar Circle, for which his transfer was warranted.

28. If the competent authority has not decided or was not aware, where the concerned Patwari is to be transferred, it cannot be presumed that the competent authority has applied its mind towards the vacant position, falling vacant on account of exigencies mentioned in clause (ii) of Rule 9 of the Rules of 1957. Nor can he be presumed to have ascertained that interest of efficiency of work required that petitioner should be transferred to a far flung place at Hanumangarh.

29. Adverting to Division Bench judgment in the case of Gopalram (supra), suffice it to observe that the facts of the said case were entirely different. The basic ground for which the petitioner had challenged his transfer was that it is the State Government alone, which can transfer a Patwari and the District Collector cannot by himself transfer a Patwari unless directed by the State Government so to do. That apart the facts as noticed in the judgment and finding recorded therein, particularly in para No.12 shows that the concerned petitioner's transfer was on account of administrative exigency, inter alia, to fill up the vacant post. Contra-distinction to the decided judgment, the facts and questions involved in the present case are entirely different. In the present case neither the order impugned nor does material placed on record is sufficient to satisfy that petitioner's transfer was effectuated in a bid to fill up vacant post.

30. It will not be out of place to reproduce para No.12 and 13 of the Division Bench judgment dated 28.01.2020 in the case of Gopalram (supra), relied upon by learned Government Counsel:-

"12. Coming to the contention of the appellant that the transfer order issued by the District Collector is violative of provisions of Rule 9 (ii) and Rule 412, a conjoint reading of Rule 9 and Rule 412 indicates that a Patwari should not be ordinarily transferred, but then, he can always be transferred when considered necessary in the interest of efficiency of work or to fill up vacancy created by long leave, resignation, dismissal, suspension or transfer of the Patwari. Suffice it to say that besides for administrative exigency, a Patwari can be transferred even to fill up the vacant post created on account of various contingencies enumerated. Thus, on account of administrative exigency, inter-alia to fill up the vacant posts, if number of employees holding the post of Patwaris are transferred within the District, in no manner, it can be said that the order impugned passed by the District Collector without recording the satisfaction regarding necessity in the interest of efficiency of work, is violative of provisions of Rule 9 (ii) and Rule 412 of the Rules of 1957. As a matter of fact, the order impugned by itself reflects that the transfers have been effected for administrative exigency to fill up the vacant posts.

13. Admittedly, the transfer of a Patwari from one place to another within the Sub-Division, District, Division or State is regulated by Rule 9 of the Rules of 1957 which nowhere restricts the transfer of a Patwari prior to completion of a particular period of posting at a particular place. The circular/instructions issued by the State Government providing for transfer of Patwari after completion of the tenure of two years, are in the nature of guidelines not enforceable and cannot be construed in the manner suggested so as to put absolute restriction on the power to be exercised by the authorities enumerated under Rule 9 to transfer a Patwari for administrative exigency or other contingencies specified. In other words, notwithstanding the instructions issued by the State Government as aforesaid, the authority empowered can transfer a Patwari at any time for administrative exigency in accordance with Rule 9 of the Rules. It is a different matter that even otherwise in absence of administrative exigency, an employee holding the transferable post cannot be frequently transferred by his employer at his whims and fancy, but on the facts and in the circumstances of the case, in no manner, it can be inferred that the appellant has been transferred without there being any administrative exigency and it is not even the case of the appellant that he has been subjected to frequent transfer.”

31. As an upshot of discussion foregoing, this Court has no hesitation in holding that the petitioner has been subjected to transfer, contrary to the mandate of Rule 9(ii) of 1957. Impugned order thus, deserves to be quashed.

32. The same is hereby done. The impugned transfer order dated 31.12.2020 qua the petitioner, is, hereby, quashed.

33. The writ petition stands allowed as above.

34. Stay petition also stands disposed of accordingly.”

9. This Court finds that the Coordinate Bench of this Court, in *Rajpal Singh v. State of Rajasthan (S.B. Civil Writ Petition No. 544/2021, decided on 18.03.2021)*, held that a transfer order which does not specify the Patwar Mandal to which a Patwari is transferred reflects non-application of mind on the part of the competent authority, as it cannot be presumed that the authority had duly considered the existence of a vacancy or the administrative exigency contemplated under Rule 9(ii) of the Rajasthan Land Revenue (Land Records) Rules, 1957. In the present case, the impugned transfer order merely mentions the

petitioner's transfer to Tehsil Anupgarh District Sri Ganganagar, without specifying the Patwar Mandal where he is required to discharge his duties. The absence of such specification does not indicate that the competent authority had considered the availability of a vacant post or the administrative necessity warranting the petitioner's transfer. Furthermore, from the perusal of the case of *Praveen Kumar (supra)*, relied upon by the counsel for the respondents, it is seen that the issue pertained to the transfer of the petitioner from Patwar Mandal, Ravwala, Tehsil Bajju, District Bikaner to Patwar Mandal Pabuser, Tehsil Shergarh, District Jodhpur, and the specific issue before the Court was that no satisfaction of the officer/competent authority has been recorded before passing the transfer order in terms of Rule 9(i) of the Rajasthan Land Revenue (Land Records) Rules, 1957. It is also seen that in the case of *Vinod Kumar (supra)*, the law laid down in the case of *Rajpal Singh (supra)*, has not been considered and it appears that the same has not been brought to the notice of the Court. In the present case, the issue raised by the petitioner is that while transferring the petitioner, the respondents have not mentioned Patwar Mandal at the new place of posting. Thus, apparently, the case relied upon by the respondents i.e. Vinod Kumar (*supra*) and Praveen Kumar (*supra*), are distinguishable from the present case.

10. In view of the law laid down in *Rajpal Singh (supra)*, and considering that the impugned transfer order does not specify the Patwar Mandal to which the petitioner has been transferred, the present writ petition deserves to be allowed.

11. Consequently, the impugned transfer order dated 10.07.2026 (Annex.2) is quashed and set aside insofar as it relates to the petitioner.

12. All pending applications, if any, also stand disposed of.

(DR.NUPUR BHATI),J