

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

D.B. Special Appeal Writ No. 1475/2025

Liyaqat Husain Sheikh S/o Shri Badruddin Sheikh, Aged About
59 Years, Resident Of Village Post Kotra Tehsil District Udaipur.

----Appellant

Versus

1. The State Of Rajasthan, Through The Secretary,
Department Of Education, Secretariat, Jaipur, Rajasthan.
2. Director, Secondary Education Department Of Secondary
Education, Bikaner Rajasthan.

----Respondents

For Appellant(s) : None present

For Respondent(s) : Mr. S.S. Rathore

HON'BLE MR. JUSTICE ARUN MONGA

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

05/05/2026

Per: Arun Monga, J.

1. Instant intra court appeal is directed against an order dated 16.10.2025 passed by learned Single Judge, vide which the impugned transfer order of the writ petitioner (appellant) was upheld.

2. During the pendency of the appeal, a Coordinate Bench of this Court, then seized of the matter, while issuing notice, granted stay on the operation of the transfer order vide order dated 18.11.2025. The said order is reproduced hereinbelow:-

"Heard learned counsel for the parties on the stay application.

Learned counsel for the appellant submits that the appellant is going to be superannuated within one year and as per the Guidelines of the State dated 14.09.2022, the person whose date of superannuation is within one year, in normal circumstances, he should not be transferred out of the place of his posting.

Learned counsel for the State opposed by the submissions made by learned counsel for the appellant and submits that learned Single Bench has considered all these aspects of the matter and has rejected the writ petition of the appellant with liberty to approach the State Government by way of filing an appropriate representation. He further submits that the representation filed by the appellant has also been considered and rejected by the State Government.

We have considered the submissions made at the Bar and gone through the relevant record of the case.

In the considered opinion of this Court, matter requires consideration and, therefore, list this case for final disposal in the last week of December, 2025.

In the meanwhile and till the next date of hearing, the transfer order dated 22.09.2025 qua the appellant shall remain stayed.

The stay application stands disposed of."

3. Apropos, on resumed hearing, today, on a Court query, learned counsel for the respondents would candidly submit that the appellant is slated to retire on 30.09.2026, which is barely 3-4 months away.
4. Having heard and perused the file, we are of the view that, at this stage, transferring the appellant would result in unnecessary administrative burden on the respondents, inasmuch as pensionary due etc. under Rule 80 of the Rajasthan Civil Services (Pension) Rules, 1996 and other consequences arising therefrom would have to be dealt with from the district where petitioner is transferred (Jalore) instead of the current place of posting (Udaipur).
5. Moreover, there are guidelines of the State, which no doubt are not mandatory, but they do act as the guiding force for the department. Guidelines envisage that as far as possible an employee who is nearing his superannuation should not be disturbed from the current place of posting, which needless to say is not only in the interest of justice but also causes additional unwarranted burden on both sides.
6. Aforesaid stay order dated 18.11.2025 continues to subsist in favour of the appellant till date.
7. In the premise, the interim order is made absolute and the appeal is disposed of.
8. The stay petition and all pending applications stand disposed of.

(SANDEEP SHAH),J

(ARUN MONGA),J