

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7515/2026

Kuldeep Singh S/o Shri Ramdev Singh, Aged About 42 Years, R/o Vilage Swami Ki Dhani Via Balaran Tehsil Laxmangarh District Sikar, Rajasthan.

-----Petitioner

Versus

1. State of Rajasthan through Principal Secretary, School Education Department, Govt. Secretariat, Jaipur.
2. The Director, Secondary Education, Rajasthan, Bikaner.
3. The Principal, PM Shri Govt. Senior Secondary Balaran District Sikar.
4. Shobha Sharma, Principal at PM Shri Govt. Senior Secondary School, Balaran District Sikar.

-----Respondents

For Petitioner(s)	:	Mr. Pradeep Mathur
For Respondent(s)	:	Mr. Manoj Sharma, AAG assisted by Mr Vishal Kumar

HON'BLE MR. JUSTICE ANAND SHARMA

Order

20/05/2026

1. By way of filing the writ petition, the petitioner has challenged order dated 22.09.2025, whereby the petitioner has been transferred from P.M. Shri Government Senior Secondary School, Balaran, Sikar to Government Senior Secondary School, Dhuliya, Jaisalmer. He has also assailed the order dated 20.02.2026, whereby representation filed by the petitioner against transfer order, in compliance of order dated 14.11.2025 passed by Co-ordinate Bench of this Court in S.B. Civil Writ Petition No.17332/2025 has been disposed of.

2. Learned counsel for the petitioner submits that petitioner is holding the post of Principal in Senior Secondary School and his wife Smt. Madhu Bala is also on the post of Teacher Grade-III and is posted in District-Jhunjhunu, therefore, in the light of spouse policy of respondent-Government, an endeavor should be made to post both husband and wife either on the same place or at nearest places.

3. Learned counsel submits that by ignoring the policy of the Government, the petitioner was transferred in another District vide order dated 22.09.2025. Feeling aggrieved, the petitioner filed S.B. Civil Writ Petition No.17332/2025 before this Court which was disposed of vide order dated 14.11.2025 granting liberty to the petitioner to submit a representation before the Competent Authority with further directions to the Authority to decide the representation and till decision of the representation, operation of transfer order dated 22.09.2025 was stayed and petitioner was also granted liberty to approach this Court with fresh petition, in case, the representation is decided against the petitioner.

4. Learned counsel for the petitioner further submits that in compliance of order dated 14.11.2025, the petitioner filed representation before the Director, Secondary Education, Rajasthan, Bikaner, specifically mentioning therein that since, his wife is also a government servant and is working in respondent-Department, therefore, in view of spouse policy of the Government, transfer order be modified and the petitioner be posted in the same district so as to avoid any inconvenience to family of the petitioner.

5. Learned counsel for the petitioner also submits that ignoring the policy of the Government, in quite mechanical manner, the respondents have rejected the representation of the petitioner vide order dated 20.02.2026 and the grounds raised by the petitioner have not been objectively considered.

6. *Per contra*, learned Additional Advocate General submitted that petitioner is holding the post of Principal, which is the post of State service and, therefore, he can be subjected to transfer anywhere in the territory of State of Rajasthan. Whereas wife of the petitioner is simply a Teacher Grade-III and ordinarily a Teacher Grade-III is not transferred out of District. Under such circumstances, policy of the Government that endeavour should be made to post both husband and wife, in case, both are in government service at nearest places, was taken into consideration and looking to the fact that the petitioner is holding the post of State servant and is governed by Rajasthan Education Service Rules, 1970, and his wife is an employee of subordinate service and is governed by Rajasthan Education Subordinate Service Rules, 1971, and the service conditions qua posting of both husband and wife, being altogether different, respondents have rightly decided representation of the petitioner vide impugned order dated 20.02.2026. It is further submitted that even otherwise, distance between Jhunjhunu and Jaisalmer is not substantial, as the two districts are quite nearby, hence, no significant inconvenience is likely to be caused to the petitioner.

7. Heard learned counsel for the parties and perused the material record.

8. It is a settled proposition of law that transfer is an incident of service and no one can claim to be posted a particular place for all times to come. It is well within the ambit of State to transfer any of its employee of its as per administrative exigency.

9. It is equally well-settled that administrative instructions, if any, with regard to transfer are merely directory in nature and can be made applicable in context of the facts in hand.

10. In the instant case, where admittedly, petitioner-husband is holding the post of Principal, which is a post of State service and as per his service conditions, he can be transferred anywhere within the territory of State of Rajasthan, his case cannot be equated for the purpose of posting with his wife, who is admittedly a Teacher Grade-III and ordinarily cannot be transferred out of District.

11. In view of above, this Court does not find any error either in orders dated 22.09.2025 or 20.02.2026 passed by the respondents and learned Tribunal respectively. Accordingly, the present writ petition filed by the petitioner, is hereby, dismissed being devoid of any merit and substance.

12. Pending application(s), if any, also stand(s) disposed of.

(ANAND SHARMA),J