

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 1124/2026

Maina Garhwal W/o Shri Suresh Kumar Nain

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

Connected With

1. S.B. Civil Writ Petition No. 19945/2025
2. S.B. Civil Writ Petition No. 20242/2025
3. S.B. Civil Writ Petition No. 20248/2025
4. S.B. Civil Writ Petition No. 1125/2026
5. S.B. Civil Writ Petition No.3810/2023
6. S.B. Civil Writ Petition No.9252/2023
7. S.B. Civil Writ Petition No.9254/2023
8. S.B. Civil Writ Petition No.9255/2023
9. S.B. Civil Writ Petition No.9261/2023
10. S.B. Civil Writ Petition No.9262/2023
11. S.B. Civil Writ Petition No.9263/2023
12. S.B. Civil Writ Petition No.16712/2023
13. S.B. Civil Writ Petition No.17947/2023
14. S.B. Civil Writ Petition No.19716/2023
15. S.B. Civil Writ Petition No.1409/2024
16. S.B. Civil Writ Petition No.1681/2024
17. S.B. Civil Writ Petition No.3615/2024
18. S.B. Civil Writ Petition No.14878/2024
19. S.B. Civil Writ Petition No.15268/2024
20. S.B. Civil Writ Petition No.15289/2024
21. S.B. Civil Writ Petition No.15680/2024
22. S.B. Civil Writ Petition No.18055/2024
23. S.B. Civil Writ Petition No.18486/2024
24. S.B. Civil Writ Petition No.19191/2024
25. S.B. Civil Writ Petition No.19206/2024
26. S.B. Civil Writ Petition No.1416/2025
27. S.B. Civil Writ Petition No.1421/2025
28. S.B. Civil Writ Petition No.1694/2025
29. S.B. Civil Writ Petition No.1763/2025

30. S.B. Civil Writ Petition No.1824/2025
31. S.B. Civil Writ Petition No.2035/2025
32. S.B. Civil Writ Petition No.2074/2025
33. S.B. Civil Writ Petition No.2361/2025
34. S.B. Civil Writ Petition No.2531/2025
35. S.B. Civil Writ Petition No.2551/2025
36. S.B. Civil Writ Petition No.2716/2025
37. S.B. Civil Writ Petition No.2722/2025
38. S.B. Civil Writ Petition No.4452/2025
39. S.B. Civil Writ Petition No.4602/2025
40. S.B. Civil Writ Petition No.5415/2025
41. S.B. Civil Writ Petition No.5704/2025
42. S.B. Civil Writ Petition No.5722/2025
43. S.B. Civil Writ Petition No.5918/2025
44. S.B. Civil Writ Petition No.5926/2025
45. S.B. Civil Writ Petition No.6182/2025
46. S.B. Civil Writ Petition No.6188/2025
47. S.B. Civil Writ Petition No.6221/2025
48. S.B. Civil Writ Petition No.6289/2025
49. S.B. Civil Writ Petition No.6425/2025
50. S.B. Civil Writ Petition No.6442/2025
51. S.B. Civil Writ Petition No.6460/2025
52. S.B. Civil Writ Petition No.6464/2025
53. S.B. Civil Writ Petition No.6720/2025
54. S.B. Civil Writ Petition No.6882/2025
55. S.B. Civil Writ Petition No.6914/2025
56. S.B. Civil Writ Petition No.7207/2025
57. S.B. Civil Writ Petition No.7294/2025
58. S.B. Civil Writ Petition No.7392/2025
59. S.B. Civil Writ Petition No.7431/2025
60. S.B. Civil Writ Petition No.7450/2025
61. S.B. Civil Writ Petition No.7668/2025
62. S.B. Civil Writ Petition No.7669/2025
63. S.B. Civil Writ Petition No.7953/2025
64. S.B. Civil Writ Petition No.8694/2025
65. S.B. Civil Writ Petition No.9095/2025

66. S.B. Civil Writ Petition No.9098/2025
67. S.B. Civil Writ Petition No.9412/2025
68. S.B. Civil Writ Petition No.9760/2025
69. S.B. Civil Writ Petition No.9771/2025
70. S.B. Civil Writ Petition No.10052/2025
71. S.B. Civil Writ Petition No.10053/2025
72. S.B. Civil Writ Petition No.10056/2025
73. S.B. Civil Writ Petition No.10422/2025
74. S.B. Civil Writ Petition No.11404/2025
75. S.B. Civil Writ Petition No.12206/2025
76. S.B. Civil Writ Petition No.12426/2025
77. S.B. Civil Writ Petition No.12694/2025
78. S.B. Civil Writ Petition No.12963/2025
79. S.B. Civil Writ Petition No.13009/2025
80. S.B. Civil Writ Petition No.13020/2025
81. S.B. Civil Writ Petition No.13050/2025
82. S.B. Civil Writ Petition No.13732/2025
83. S.B. Civil Writ Petition No.14948/2025
84. S.B. Civil Writ Petition No.15056/2025
85. S.B. Civil Writ Petition No.15200/2025
86. S.B. Civil Writ Petition No.15259/2025
87. S.B. Civil Writ Petition No.15707/2025
88. S.B. Civil Writ Petition No.17941/2025
89. S.B. Civil Writ Petition No.18450/2025
90. S.B. Civil Writ Petition No.18749/2025
91. S.B. Civil Writ Petition No.18833/2025
92. S.B. Civil Writ Petition No.19089/2025
93. S.B. Civil Writ Petition No.19676/2025
94. S.B. Civil Writ Petition No.19719/2025
95. S.B. Civil Writ Petition No.19890/2025
96. S.B. Civil Writ Petition No.19914/2025
97. S.B. Civil Writ Petition No.20220/2025
98. S.B. Civil Writ Petition No.20278/2025
99. S.B. Civil Writ Petition No.20279/2025
100. S.B. Civil Writ Petition No.20418/2025
101. S.B. Civil Writ Petition No.20421/2025

102. S.B. Civil Writ Petition No.253/2026
103. S.B. Civil Writ Petition No.1200/2026
104. S.B. Civil Writ Petition No.20308/2025
105. S.B. Civil Writ Petition No.1154/2026
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For Petitioner(s) : Mr. Sandeep Kalwaniya
Mr. Ram Pratap Saini
Mr. Nikhlesh Katara
Mr. Arvind Kumar Sharma
Mr. Devendra Kumar Bhardwaj
Mr. S.S. Choudhary
Mr. Banwari Lal Sharma
Mr. Rahul Roye Fatehpuria
Mr. Ashwinee Jaiman
Ms. Sarita Choudhary for
Mr. Suresh Kashyap
Mr. Rachit Sharma
Mr. Rajesh Mohan Rajkumawat
Mr. Devkrishna Purohit
Mr. Rajneesh Gupta
Mr. Ashok Bansal
Mr. Ajit Maloo
Mr. Yogesh Singhal
Mr. Iliyas Khan
Mr. Sunil Kumar Singodiya
Mr. Tanveer Ahamad
Mr. Sudhir Yadav
Mr. Sudarshan Kumar Laddha
Mr. Amit Jindal
Mr. Vijay Pathak
Mr. Sanjay Kumar Poonia
Mr. Shashi Shekhar Gaur
Mr. Laxmi Kant Sharma
Mr. Vinayak Kumar Joshi
Mr. Sunil Kumar Saini
Mr. R.S. Bhardwaj
Ms. Rekha Jain
Mr. Raghu Nandan Sharma
Mr. Ashok Yadav
Mr. Bajrang Sepat
Mr. Abhishek Sharma
Mr. Tanmay Dhand
Mr. Dinesh Yadav
Mr. Lovesh Mamnani
Mr. Ram Rakh Sharma

For Respondent(s) : Mr. Rajendra Prasad, AG assisted by
Ms. Dhriti Laddha
Mr. Manoj Sharma, AAG with
Mr. Abhishek Sharma
Ms. Pooja Sharma

Mr. Vishal Kumar
Mr. S.M. Sharma
Mr. S.S. Naruka, AAG
Mr. Basant Singh Chhaba, AAG
Mr. Gaurav Jain
Mr. Prakhar Jain for
Mr. Archit Bohra, AGC
Mr. Gopal Krishan Sharma, AGC
Ms. Palak Rohila
Mr. Shubham Gupta for
Mr. Rahul Lodha, AGC
Mr. Akshay Sharma
Mr. Sanjay Mehla
Ms. Sunita Mehla
Ms. Karishma Soni for
Mr. Vinod Kumar Gupta, AGC
Mr. Devesh Yadav
Mr. Amit Kumar Sharma
Mr. Rajpal Dhankar
Mr. Neeraj Batra, AGC
Mr. V.D. Gathala, AGC
Mr. Nitin Sinsinwar

HON'BLE MR. JUSTICE SAMEER JAIN

Order

30/01/2026

1. The Registry has listed the present bunch of writ petitions under Code "510", pertaining to the grievances qua transfer/deputation orders, issued across various departments of the State Government, including Education, Medical & Health, Panchayati Raj, Pollution Control Board, and Forest Department, etc.
2. With the mutual consent of learned counsel for the respective parties, **S.B. Civil Writ Petition No. 1124/2026** titled **Maina Garhwal Vs. State of Rajasthan** is treated as the lead petition.
3. At the outset, learned counsel for the petitioners have submitted that the impugned transfer orders have been issued

qua the petitioners in the midst of the ongoing academic session, particularly affecting employees in the Education Department. It is contended that the said transfers have caused grave hardships to the petitioners, and have been made without taken into account and ignoring the material considerations such as the spouse policy, medical conditions, and the examinations of the children/siblings of the petitioners. It is further contended that by issuance of the said transfer orders, the petitioners, along with similarly situated persons, are being made to suffer undue prejudice, without providing any administrative justification by the respondents.

4. Learned Advocate General has marked his appearance on behalf of the respondent-State. Upon seeking instructions, it is submitted that prior to the reign of the present Government, a ban on transfers was in force in certain departments.

5. It is vehemently contended by the learned Advocate General that transfer/non-transfer, is not a vested right of an employee but is merely an incidence of service. It is further submitted that owing to administrative exigencies, transfers are often necessitated under compelling circumstances, and the requirement of departmental balancing.

6. While acknowledging the fact that transfers entail financial implications on the State exchequer, it is submitted that apart from transfers carried out on account of superannuation, promotion, and vacancies in the departments, such measures are indispensable for maintaining internal control, administrative efficiency, and better coordination.

7. It is next submitted that vide order dated 14.07.2022, specific guidelines were issued by the Joint Secretary, Education Group-II, State of Rajasthan, governing the process of transfers, and the same has been strictly adhered to while carrying out the transfers in question.

8. Moreover, it is submitted qua transfers carried out during the ban period, that the same has been categorized as the special transfers and have come into force only after obtaining due approval from the Hon'ble Chief Minister/Competent Authority, on account of some administrative exigencies.

9. Learned Advocate General has further submitted that a detailed reply, substantiating the aforesaid facts, will be filed in the lead petition. However, it has been clarified that that the factual aspects of each petition will be addressed by the respective panel counsel/learned AAGs concerned.

10. Heard the submissions put forth by learned counsel for the parties.

11. In the facts and circumstances of the case, this Court is mindful of the fact that on one hand, the petitioners are Government employees suffering from the hardships of transfers, while on the other hand, there are students at large in the Education Department and patients in the Medical & Health Department, who are the ultimate beneficiaries of the services rendered by the State and it is an obligation of the State to ensure that the system functions efficiently so as to safeguard the larger public interest and to cater the needs of such beneficiaries.

12. Taking note of the aforesaid submissions and considering the settled position of law as enunciated by the Hon'ble Supreme

Court in the case of **Shilpi Bose & Ors. Vs. State of Bihar & Ors., 1991 Supp (2) SCC 659** wherein it has been held that in matters relating to transfer, the scope of judicial review is extremely limited and permissible only under exceptional circumstances, where *mala fides*, statutory infraction, or violation of the fundamental rights is demonstrated, or where the hardship is so grave and compelling that it shocks the conscience of the Court, this Court is of a view that, at this stage, to balance the equity in the instant case, liberty is granted to the petitioners to file a detailed representation(s) before the competent authority, within a period of 10 days from the date of passing of this order, and the same shall be considered and decided by the respondents, strictly in accordance with law, within a period of 15 days of filing such representation(s).

13. Learned Advocate General and learned counsel for the respondents seek time to file reply of the present petitions.

14. Time prayed for, is granted.

15. List these matters on 12.02.2026 at 02:00 P.M.

16. In the meantime, wherein interim order, if any, is operating in favor of petitioner in the present bunch of petitions, the same shall be continued.

(SAMEER JAIN),J