



HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA
AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

18th June, 2026

Writ Petition (S/B) No. 367 of 2026

Preeti Rawat

-----Petitioner

Versus

State of Uttarakhand and others

----Respondents

Presence:-

Mr. S.S.Yadav, learned counsel for the petitioner.

Mr. B.S.Parihar, learned Additional Chief Standing Counsel for the State.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The present Writ Petition has been filed challenging the transfer order dated 09.06.2026, whereby the petitioner who is presently posted as an Assistant Professor at Government Post Graduate College, Jaiharikhal, District Pauri Garhwal has been transferred to Government Post Graduate Girls College, Haldwani. The transfer has been made under Section 16 of the Uttarakhand Annual Transfer for Public Servants Act, 2017, which contemplates annual transfers from remote area to accessible area and *vice-versa*.

2. The main ground of challenge is that the petitioner has completed six years one month and twenty seven days of service at remote area, and if she



joins at transferred place, the respondents would again transfer her to a remote area, to complete the mandatory period of ten years of posting at remote area. Moreover, the petitioner has been posted at her home District, which is not permissible under Section 17(2)(a) of the Act.

3. Learned State Counsel has placed on record the instructions received from the Directorate and according to which, the petitioner has completed more than three years at a remote place, therefore, she comes under the purview of Section 10(a) and has rightly been transferred. He further submits that the Government has granted relaxation to the Education Department in respect of the conditions stipulated under Clause (a) and (b) of sub-section (2) of Section 17. Consequently, it was permissible for the Department to post a teacher at his/her home district. A copy of the said order dated 15.06.2023 has also been placed before us. It has also been stated that at Government Post Graduate Girls College, Haldwani there are three posts of Assistant Teacher in Chemistry subject and at present there are 380 students in the college. It is further stated that two Assistant Teachers in Chemistry subject have been transferred to other



Colleges under the annual transfer chain and in case any interference is made with the transfer of the petitioner it will adversely affect the teaching in the College.

4. Section 10(a) provides for compulsory transfer from remote area to accessible area, if the employee has completed more than three years at his current place of posting. Admittedly, the petitioner has completed four years six months at the present place of posting, therefore, she falls within the purview of Section 10(a) of the Act.

5. The prohibition in respect of posting of an employee at his home district has been relaxed in respect of the Education Department in exercise of power under Section 27 of the Act. The Notification issued in this regard dated 15.06.2023 as noted above is part of the instructions. Thus, the contention that transfer of the petitioner at her home district was illegal, is also not sustainable.

6. Additionally, we find that two teachers of the College in Chemistry subject have already been transferred and since there are 380 students in the College, therefore, any interference with the transfer order would not be in the interest of the students.



7. The writ petition is accordingly dismissed.
8. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 18.06.2026
Kaushal/PP