



2026:PATHC:71677

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16585 of 2025

(Dr.) Uday Kumar, Son of Late Babua Nandan Singh, resident of Ward No. 11, Rahul Nagar, Town- Sultanganj, Post Office- Sultanganj, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The BRA Bihar University, Muzaffarpur through its Registrar.
2. The Vice Chancellor, BRA Bihar University, Muzaffarpur.
3. The Registrar, BRA Bihar University, Muzaffarpur.
4. Principal, Jamuni Lal College, Hajipur (Vaishali).

... .. Respondent/s

with
Civil Writ Jurisdiction Case No. 16587 of 2025

Santosh Kumar, Son of Ramchandra Das, Resident of Village- Mohiuddinnapur, P.S.- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The BRA Bihar University, Muzaffarpur through its Registrar.
2. The Vice Chancellor, BRA Bihar University, Muzaffarpur.
3. The Registrar, BRA Bihar University, Muzaffarpur.
4. The Principal, Jamuni Lal College, Hajipur (Vaishali).

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 16585 of 2025)

For the Petitioner/s	:	Mr. Vinodanand Mishra, Sr. Advocate Mr. Sandeep Kumar, Advocate Mr. Gunjan Kumar, Jha, Advocate Ms. Sweta Kumari, Advocate Mr. Avinash Kumar Sinha, Advocate Mr. Ankesh Bibhu, Advocate
For the University	:	Mr. Mrigank Mauli, Sr. Advocate Mr. Nikhil Kumar Agrawal, Advocate
For the College	:	Mr. Satish Kumar Pandey, Advocate Mr. Amandeep Prasad, Advocate

(In Civil Writ Jurisdiction Case No. 16587 of 2025)

For the Petitioner/s	:	Mr. Vinodanand Mishra, Sr. Advocate Mr. Sandeep Kumar, Advocate Mr. Gunjan Kumar, Jha, Advocate
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For the University : Ms. Sweta Kumari, Advocate
Mr. Avinash Kumar Sinha, Advocate
Mr. Ankesh Bibhu, Advocate
Mr. Mrigank Mauli, Sr. Advocate
Mr. Nikhil Kumar Agrawal, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
Date : 04-08-2026

Heard Mr. Vinodanand Mishra, learned Senior Advocate, duly assisted by Ms. Saumya Sinha, learned Advocate for the petitioners and Mr. Mrigank Mauli, learned Senior Advocate with Mr. Nikhil Kumar Agrawal, learned Advocate for Babasaheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.

2. Since both the writ petitions involve identical issues, challenging one and the same impugned order, based on similar grounds, the same are being heard together and disposed of by this common order/judgment with the consent of the parties.

3. The challenge in both the writ petitions is made to an order, as contained in Memo No. B/2372 dated 26.09.2025 issued by the Registrar of the Babasaheb Bhim Rao Ambedkar Bihar University, Muzaffarpur (in short 'University') whereby the petitioner (in C.W.J.C. No. 16585 of 2025) who has been working as an Associate Professor in the Department of Chemistry in Jamuni Lal College, Hajipur has been transferred





to RPS College, Chakiyaj whereas the petitioner (in C.W.J.C. No. 16587 of 2025), who has been working as an Assistant Professor in the Department of History in the said Jamuni Lal College, Hajipur has been transferred to MSM Samta College, Jandaha. In both the cases, the consequential orders of relieving have also been put to challenge.

4. The facts are not in dispute that both the petitioners were duly appointed as Lecturer-Assistant Professor in pursuance of the recommendation of the Bihar State University (Constituent College) Service Commission as well as Bihar Public Service Commission and subsequently they have been transferred and posted in Jamuni Lal College, Hajipur (Vaishali) (in short 'the College'). While they were working on the above referred post in the College, a notice was issued under Memo No. B/3232 dated 30.11.2024 by the University requesting all the desirous teachers to submit their applications, duly forwarded and recommended by the concerned Principal along with all the supporting documents, for their transfer to another constituent colleges. It is the specific case of the petitioners that they never expressed their desire to be transferred to any other constituent College either in pursuance of this notice or even otherwise. However, to the utter surprise





by the impugned notification, contained in Memo No. 2372 dated 26.09.2025, the petitioners have been transferred to different constituent Colleges and consequently the Principal of the College has also issued the relieving letter(s) on 27.09.2025 and sent it on the Email of the petitioners, which was viewed by the petitioners on 28.09.2025 in the afternoon.

5. It is also asserted that the aforesaid notification dated 26.09.2025 has never been communicated or served to the petitioners via any medium either personally or through post. Nonetheless, the petitioners came to know about the same through the Whats-app group of Executive Committee of Bihar University Teachers Association.

6. Mr. Binodanand Mishra, learned Senior Advocate for the petitioners while assailing the impugned order has primarily contended that the same is arbitrary and *mala fide* for the simple reason that the decision to transfer has been taken in a hot haste manner. From the impugned order, it appears that the transfer committee is said to have been constituted on 25.09.2025 and the meeting was held on 26.09.2025; and the Vice-chancellor of the University, who is said to be the Chairman of the Committee was pleased to transfer the services of altogether 31 teachers, including the petitioners. The





impugned order of transfer is in complete disregard to the Statute, especially Sub-Clause 3 and 6 of the Statute 39 of the Bihar State Universities Act, 1976, which provides guidelines for transfer with specific stipulation that transfer should not be made if it will result in the dislocation of the teaching programme in the College. The guidelines also provides that a more qualified and senior teacher should be considered for posting in relatively more important colleges from the point of view of teaching and other facilities available in the institution. The petitioners are presently working in the College, which is the top ranking college at the district headquarter. On the other hand, the College in which the petitioners have been transferred are situated in a remote village.

7. It is further contended that the transfer committee also does not consist of competent person in terms with the guidelines issued by the learned Chancellor dated 06.08.2008. It appears that eight member committee has been constituted under the Chairmanship of the Vice-chancellor of the University and notwithstanding the stipulation laid down in the guideline only the Dean of the concerned faculty could be the member. The Dean of all the four faculties; Science, Humanities, Social Science and Commerce have been made the





members, even in case of the petitioner in C.W.J.C. No. 16585 of 2025, who has only concern with Dean of Faculty of Science. Similarly two Principal of the constituent college in order of seniority has to be the member in the said committee, but “junior most Principals” have been made members of the Committee. It is further urged that seemingly vide office Order dated 25.09.2025, the meeting of the transfer committee was scheduled to be held on 26.09.2025 in the New Guest House of the University, but to the utter surprise meeting was held at the residence of the Vice-chancellor, despite any intimation to the members about the change of the venue and time of meeting. In the proceeding of the meeting of the transfer committee, the name of the Principal J. L. College, Hajipur and Principal Rameshwar College, Muzaffarpur have been inserted by hand written, when the name of other principals, who were present, has been typed. The resolution of the transfer committee has been approved in a mechanical manner, though the Registrar of the University in his counter affidavit has said that the committee considered the request of the teachers seeking transfer, as also the report of the Principals and the vacancy position. However, it does not appear to be so from the resolution of the committee. There is no explanation as to what





was so urgent that the meeting was conducted in such a hot haste manner, besides there is no deliberation in the meeting, much less on the report of the Principal and the vacancy position in different Colleges.

8. Referring to a decision rendered by the Hon'ble Supreme Court in the case of ***Fuljit Kaur Vs. State of Punjab and Others : (2010) 11 SCC 455***, Mr. Mishra, learned Sr. Advocate submitted that when a thing is done in a post-haste manner, *mala fides* would be presumed. Anything done in undue haste can also be termed as arbitrary and cannot be condoned in law. He further argued that upon notice, the Principal of the College has also filed counter affidavit as well as supplementary counter affidavit with a specific allegation affecting personal reputation; besides he has informed the University vide its confidential report dated 13.09.2025, reiterating the conduct of the petitioners prejudicial to the interest of the College. The Principal of the College further alleged that the Transfer committee not only considered the applications of desirous teachers, but the academic performance of teachers and overall conduct based upon which the decision to transfer has been taken. Once the Principal of the College, who has made complaint against the petitioners, he ought not to be part of such





transfer committee, as no person can be judge of his own cause. The materials available on record clearly suggests that the order of transfer is purely *mala fide* in nature. Once the petitioners are able to prove and satisfy the Court that besides the authorities have acted in departure of procedures, detriment to the legal rights, the respondent, Principal of the College by his act influenced the decision of the transfer committee and, as such, the impugned order of transfer suffers from *mala fide* and as such fit to be set aside.

9. Referring to various decisions of the Hon'ble Supreme Court, Mr. Mishra, learned Sr. Advocate further bolstered his submission that undoubtedly the transfer is incident of service, but if the authorities acted in contrary to the Rules and Regulation applicable to be considered at the time of passing the order of transfer and/or if the same is *mala fide* it clearly offends under Article 14 of the Constitution of India and fit to be set aside.

10. Placing reliance upon a Bench decision of this Court in the case of ***Dr. Hira Prasad Singh Vs. The State of Bihar & Ors*** (C.W.J.C. No. 15913 of 2013) it is further argued that in any event, transfer of teachers in constituent colleges is an exception and has to be made only in rarest of the rare cases





and that too not on the whims and dictate of the Vice-chancellor but in the administrative interest to be determined by the statutory committee set up by the learned Chancellor duly described under letter dated 25.07.2008 and one of the stipulation for transfer is that the junior most teachers should be considered for transfer in the first instance of option and in case of non-availability, then it should be as per the ascending order of seniority. In College of the petitioners, they are the senior most teachers and thus either option should be asked for or the junior teachers should be considered for transfer.

11. It is lastly urged that the Hon'ble Supreme Court time and again has cautioned the authority that if a Statute requires a thing to be done in a particular manner, then it must be done in that manner alone or not at all.

12. It is pertinent to take note of that during the pendency of the writ petition by the order dated 13.10.2025, the Court has directed to maintain status quo, qua the petitioner till further order. However, when the petitioners have submitted application requesting for their continuation in the College, in question, they have not been allowed owing to the order of relieving having been issued on 27.09.2025 itself. Aggrieved, the petitioners have also filed interlocutory applications seeking





a direction from this Court to initiate a contempt proceeding against the respondents concerned, who have acted in defiance with the order of this Court.

13. Per contra, Mr. Mrigank Mauli, learned Senior Advocate representing the University has submitted that by the impugned order altogether 31 faculties have been transferred in view of over all academic interest of the students and the respective institutions. So far the matter of transfer is concerned, he urged that it falls within the domain of the employer and the Hon'ble Supreme Court through several pronouncement cautioned that the Courts or Tribunals cannot substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of *mala fides* when made, must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises; and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.

14. Despite the order of transfer having been passed and the relieving order has been issued by the Principal of the College, the petitioners did not join at the new place of posting





or comply the direction issued by the University, though the others have submitted their joining in their respective institutions. The transfer Committee was duly constituted in accordance with the letter issued by the learned Chancellor and so far the Principal of the College is concerned, he was only a member of the committee and not as a position of complainant, hence in any view of the matter he was not able to persuade the committee, moreover since the meeting was with respect to the various persons more than 50 in numbers, the plea of *mala fide* is not available to the petitioners.

15. Mr. Mauli, learned Senior Advocate further contended that since the impugned order of transfer was not effected on account of any administrative reason or by way of punishment, no opportunity was required to be given to the petitioners. Reliance has also been placed on a decision rendered by the Hon'ble Supreme Court in the case of ***Union of India & Ors. Vs. Bishamber Das Dogra : (2009) 13 SCC 102*** and submitted that the application of doctrine of prejudice demands it to be established by the employee that on account of failure to perform any duty at the hands of the authorities, prejudice has been caused to him. The interests of justice equally demand that the guilty should be punished and that





technicalities and irregularities which do not occasion failure of justice are not allowed to defeat the ends of justice. Any order cannot be vitiated *ipso facto* as it would depend upon the facts and circumstances and the employee has to establish that really prejudice has been caused to him. Since the reason for transfer is not based upon complaint, no need of opportunity is required to be given.

16. The Vice-Chancellor in exercise of his lawful administrative discretion, constituted a comprehensive Teacher Transfer Committee vide Memo No. B/2362 dated 25.09.2025 and included all the Deans of the four faculties; Science, Humanities, Social Science and Commerce to ensure holistic, fair and balanced deliberation in the matter of transfer of teachers. The guidelines of the learned Chancellor are enabling provisions that vest discretion in the Vice-Chancellor to constitute the committee in the manner best suited for the interest of the institution and its affiliated colleges. Merely some of the Principals are senior to the members of the Committee, the same in no manner vitiate the composition of the committee. The change of the venue and inclusion of the names of Principal of J. L. College, Hajipur and Principal of Rameshwar College, Muzaffarpur recorded by hand in the attendance list, as they





joined in the meeting at the time when the attendance record was prepared and thus it was only an administrative convenience. The petitioners attempt to cast doubt on the attendance of these Principals on the basis of handwriting alone, without any denial of the signatory, is devoid of any factual foundation.

17. Learned Senior Advocate for the University further argued that transfer is an incident of service and scope of judicial review of transfer order is extremely limited and the petitioners have failed to make out any case of *mala fide*, statutory violation or lack of competence and thus in absence of such grounds no interference can be allowed. Reliance has been placed on a Hon'ble Supreme Court decision in the case of ***State of U. P. & Ors. Vs. Gobardhan Lal : 2004 (11) SCC 402.***

18. To answer the contention of the learned Senior Advocate for the petitioners that the authorities violated the interim order of this Court, Mr. Mauli, learned Sr. Advocate vehemently contended that such status quo order has been obtained by suppressing the fact that the petitioners have already been relieved on 27.09.2025 itself, much before the order of this Court having been passed on 13.10.2025 directing to maintain status quo qua the petitioners till further orders.





19. This Court has meticulously hear the learned Senior Advocates for the respective parties and also perused the relevant materials referred hereinabove. However, before coming to examine the legality of the impugned order of transfer, it would be pertinent to recapitulate the legal position as highlighted by the Hon'ble Supreme Court in catena of decisions, which would also guide the foundational issue involved in the present *lis*.

20. The position with regard to the issue of transfer of an employee, has been persistently dealt with numerous occasion and the Court ruled that the scope of judicial interference in an order of transfer of an employee is very limited, it is entirely upon the competent authority to decide when, where and at what point of time a public servant is to be transferred from his present posting. Transfer is not only an incident but an essential condition of service. It does not affect the conditions of service in any manner. The employee does not have any vested right to be posted at a particular place. (Vide ***B. Varadha Rao Vs. State of Karnataka : (1986) 4 SCC 131 ; Shilpi Bose Vs. State of Bihar : AIR 1991 SC 532; S.C. Saxena Vs. Union of India & Ors., : (2006) 9 SCC 583, Mohd. Masood Ahmad Vs. State of U.P. & Ors., (2007) 8 SCC 150,***





Somesh Tiwari v. Union of India & Ors., (2009) 2 SCC 592.)

21. it is true that an employee holding a transferable post cannot claim any vested right to work at a particular place, as the transfer order does not affect any of his legal rights and the Court cannot interfere with a transfer/posting, which is made in public interest or on administrative exigencies.

22. In ***Union of India & Ors. Vs. H.N. Kirtania***, reported in, ***(1989) 3 SCC 447***, their Lordships of the Apex Court held that transfer of a public servant made on administrative grounds or in public interest should not be interfered with unless there are strong and pressing grounds rendering the transfer order illegal on the ground of violation of statutory rules or on ground of *mala fide*.

23. In the ***State Bank of India Vs. Anjan Sanyal*** : ***AIR 2001 SC 1748***, the Hon'ble Supreme Court spelt out that an order of transfer of an employee is a part of the service conditions and such order of transfer is not required to be interfered with lightly by a court of law in exercise of its discretionary jurisdiction unless the court finds that either the order is *mala fide* or that the service rules prohibit such transfer or that the authorities, who issued the order, had not the competence to pass the order.





24. In **Shilpi Bose** (supra), the Apex Court while re-enforcing the settled legal position has also observed that transfer orders issued by the competent authority do not violate any of his legal rights. Even if a transfer order is passed in violation of executive instructions or orders, the courts ordinarily should not interfere with the order instead affected party should approach the higher authorities in the department. If the courts continue to interfere with day-to-day transfer orders issued by the government and its subordinate authorities, there will be complete chaos in the administration which would not be conducive to public interest.

25. In the case of **Govt. of A.P. Vs. G. Venkata Ratnam : (2008) 9 SCC 345**, the Hon'ble Supreme Court while deprecating the view taken by the High Court interfering in transfer merely on the basis of some extraordinary achievements highlighted by the employee, has unequivocally held that it is not for the Court to consider where respondent would be more suited. Such an approach is rather unusual and strange as no employee can be permitted to choose his own place of posting. The judgment of the High Court is said to be wholly untenable in law and observed that the High Court has not only lost the judicial poise and restraint but also arrived at completely





unfounded conclusions. The transfer order could not be found as lacking in *bona fides* on such fanciful pleas.

26. The transfer order may cause great hardship as an employee would be forced to have a second establishment at a far distant place, education of his children may be adversely affected, may not be able to manage his affairs and to look after his family. The aforesaid aspect was also considered in the case of ***State of Madhya Pradesh & Ors. Vs. S.S. Kourav & Ors. : AIR 1995 SC 1056*** wherein the Hon'ble Supreme Court cautioned that it is not permissible for the court to go into the relative hardship of the employees. It is for the administration to consider the facts of a given case and mitigate the real hardship in the interest of good and efficient administration.

27. The issue of mala fide raised by an employee aggrieved with the transfer order was considered in ***Tara Chand Khatri Vs. Municipal Corporation of Delhi and Ors. : AIR 1977 SC 567*** wherein the Hon'ble Supreme Court held that the High Court would be justified in refusing to carry on investigation into the allegations of *mala fides* if necessary particulars of the charge making out a *prima facie* case are not given in the writ petition and the burden of establishing *mala fides* lies very heavily on a person who alleges it and there must





be sufficient materials to establish *malus animus*.

28. This Court being mindful of the line of the decision on the issue of transfer is cautious of the position that the scope of judicial review against the transfer order is very limited and restricted if the transfer order is found to be in contravention of the statutory rules or issued by an incompetent authority or *mala fide* is established, and/or if it is completely against the public interest and penal in nature.

29. It is trite that transfer is a condition of service within the exclusive domain of the employer to determine as to at what place and for how long the service of a particular employee is required.

30. The fact is not in dispute that the transfer committee was duly constituted vide Memo No. B/2362 dated 25.09.2025 in accordance with letter in the form of guidelines issued by the learned Chancellor under Memo No. BSU-33/2006-2600 GS(1) dated 06.08.2008, which deals with common norms for rationalization viz-a-viz inter transfer of University teachers. The Vice-chancellor of the Universities of Bihar are authorized to transfer teachers within the University under their jurisdiction considering the workload and actual requirement of teachers in order to improve the academic





atmosphere of the Colleges. Such transfers will take place from College having surplus teachers against the workload assessment to the colleges having shortage of teachers against their workload assessment. The aforesaid guidelines further made it clear that the workload of the College/department shall be taken into consideration while deciding transfer of teachers from or to the College or the department.

31. From the record, it is also evident, and even admitted by the petitioners, that notice was issued by the University under Memo No. B/3232 dated 30.11.2024, requesting all the teachers, who were desirous to be transferred to another constituent colleges to submit their application, hence the process of transfer had already been started with effect from the date on which applications were invited. On receipt of the applications of the desirous candidate, the data of the working strength of all the teachers posted in various subjects along with the available vacancies and the report of the academic performance of teachers obviously were to be prepared so that the same could be placed before the transfer committee. The transfer committee was duly constituted vide Memo No. 2362 dated 25.09.2025 and all the available datas were placed before the Committee and based upon which the committee has taken a





decision to transfer the faculties in the academic interest of the students and the respective institutions. Since on the plain reading of the order of transfer impugned herein it clearly reveals that the very transfer is effected after collection of all the datas, in the interest of the institution on academic ground, therefore, the assertion of the petitioners that the decision of the transfer committee has taken place in a hot haste manner does not find merit consideration in the case.

32. Irrespective of the aforesaid fact, if this Court accepts the another limb of argument of Mr. Binodanand Mishra, learned Senior Advocate for the petitioners for a moment that the Principal of the College has sent a confidential report against the petitioners in C.W.J.C. No. 16585 of 2025 and, as such, the order is by way of punishment, this also does not persuade, this Court in view of the nature and content of the impugned order, which speaks very loud and clear that the same has been done in the interest of the institution on academic ground. Had the transfer been only with respect to the petitioners, based upon the confidential report of the allegation levelled by the Principal of the College. This Court would have been in a position to unveil the curtain and look behind the reason for such transfer, in view of specific stand of *mala fide*,





but the transfer order impugned herein is with respect to more than 50 teachers only on academic ground. There may be allegation against the petitioners or certain other persons, as also averse or confidential report, but if this could not be a reason for transfer or there is no whisper with respect to such report or allegation and the circumstances also does not reveal that it is actuated due to the aforesaid reason. This Court cannot go behind the import of the impugned order, suspecting the same has been passed on a punitive ground, hence the contention of the learned Senior Advocate for the petitioners that the order impugned is passed in a hot haste manner, besides it is punitive in nature has no force and stands rejected.

33. Now coming to the next contention raised on behalf of the petitioners with regard to non-observance of the guidelines in constitution of the committee, the same has been duly answered by the respondents in their response filed through counter affidavit as well as supplementary counter affidavit.

34. From the record, it clearly emerged that the committee was consisting of the Deans of all the four faculties; Science, Humanities, Social Science and Commerce in order to ensure holistic, fair and balanced deliberation, as it was a matter of transfer of the teachers of different faculties under





different subjects, hence the presence of Deans of other faculties cannot invalidate the constitution of committee. The Principal of the College was also part of the committee as a Scheduled Caste/Scheduled Tribe member and not by virtue of a complainant. The allegation of the petitioners regarding Shri Nawal Kishore Baitha, Professor-in-charge, who was representing the committee as a Scheduled Caste/Scheduled Tribe member notwithstanding he was Reader or a Professor, the same has been categorically denied by giving specific statement that he was not the part of the transfer committee.

35. The two of the Principals, who had been the members of the transfer committee were not admittedly senior most Principal, but this cannot alone, in the opinion of this Court, vitiate the composition of the committee, as the guidelines of the constitution of the Committee talks about the constitution of the Committee in the manner prescribed and in case the senior most teachers were/are not available on account of any of the reason, such position can be filled up with the persons, who are coming next to their seniority. On account of the aforesaid reasons, the order of such transfer would not automatically stands vitiated unless the petitioners be able to prove that on account of such reason, apparent prejudice has





been caused or the act of the respondents is suggestive of discrimination giving impression of bias, favouritism and nepotism. We must keep in mind that the guidelines contemplated under letter dated 06.08.2008 contained enabling provision for vesting discretion to the Vice-Chancellor of the Universities to constitute transfer committee in the manner, best suited in the interest of the institution.

36. It is well settled law that the party, who alleges prejudice, must show that real prejudice has been caused to him/her and that should not only be pleaded and demonstrated.

37. The Hon'ble Supreme Court in the case of *State represented by Inspector of Police Chennai Vs. N. S. Gnaneswaran : (2013) 3 SCC 594* has clearly observed that the petitioner must satisfy the prejudice that caused to him i.e., procedural departure, which caused detriment to his legal claims or rights. It is to be observed that it is for the employees or delinquent to demonstrate the prejudice and the same has to be considered on its own merits in the facts and circumstances of the cases.

38. Once, this Court has discussed in the foregoing paragraphs that the order of transfer in no way be termed as a mere administrative order, punitive in nature, the principle of





natural justice cannot be applied in its rigid form. The applicability of the principles of natural justice has undergone a sea-change, and a slight infraction of procedural safeguard cannot vitiate the action of the authorities, unless it is proved that the employee was seriously prejudiced, in absence of complying the principles of natural justice.

39. Time and again, the Hon'ble Supreme Court cautioned that the Courts/Tribunals should not interfere with a transfer order, which are made in public interest and for administrative reasons, unless the transfer order are made in violation of mandatory statutory rules or on the ground of *mala fide*. The Government Servant holding a transferable post has no vested right to remain posted at one place or the other. Moreover, the transfer order issued by the competent authority do not violate any of his legal rights. The Hon'ble Supreme Court in the case of ***Shilpi Bose*** (supra) while reiterating the aforesaid position has ruled that even if a transfer order is passed in violation of executive instruction or order, the Courts ordinarily should not interfere with the order instead affected parties should approach the higher authorities in the department. If the Court continues to interfere with day to day transfer orders issued by the Government and its subordinate authorities,





it has rightly been held that there would be complete chaos in the administration, which would not be a conducive to public interest.

40. This Court at this stage also feels it significant to refer the decision of the Hon'ble Supreme Court in the case of **Gobardhan Lal** (supra), where, while dealing with the issue of *mala fide*, it has spelt out that the Courts or Tribunals must not substitute their own decisions in the matter of transfer for that of competent authorities of the State and even allegations of *mala fides* when made must be such as to inspire confidence in the Court or are based on concrete materials and ought not to be entertained on the mere making of it or on consideration borne out of conjectures or surmises and except for strong and convincing reasons, no interference could ordinarily be made with an order of transfer.

41. Since the petitioners have failed to make out a case of *mala fide* in facts or law, this stand also does not find merit consideration and accordingly stands rejected.

42. Now coming to the stand led on behalf of the petitioners that the respondent authorities of the University have acted in complete defiance of interim order of this Court dated 13.10.2025 directing them to maintain status quo qua the





petitioners, it also does not get substantiated in view of the admission of the petitioners that consequential relieving orders had already issued immediately after the order of transfer, on 27.09.2025 and it was duly communicated to the petitioners on their respective email at 12 noon on 27.09.2005 itself. Notwithstanding the position referred hereinabove, a plea has been taken that neither the transfer order nor relieving letter has ever been communicated to them in the manner it was provided. Once the order of transfer itself says that the copy forwarded to all the concerned/persons concerned and Principal of College with a request to relieve the Assistant Professor concerned at the earliest with intimation to the undersigned, this Court does not find any force in the submission led on behalf of the petitioners. The law is also well settled in this regard that once the order is issued and sent out to the Government servant concerned, it must be held to have been communicated to him, no matter when he actually received it.

43. In view of the aforesaid facts and the position obtaining in law, deliberating all the points raised by the parties, this Court is of the opinion that the impugned orders do not suffer from any illegality, arbitrariness and *mala fide*, since the petitioners have failed to make out any case of interference.





Accordingly, the writ petitions sans any merit, fit to be dismissed.

44. The petitioners are henceforth directed to submit their joining in the respective colleges, without any further delay within a week. However, it is made clear that since the matter was pending consideration before this Court and there was status quo qua the petitioners and only on account of such reason, the petitioners did not submit their joining in the respective colleges, the authorities shall not take any coercive measure owing to the ground of non-submission of joining on the transferred college.

45. Both the parties shall bear their own costs.

(Harish Kumar, J)

uday/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	05.08.2026
Transmission Date	NA

