

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CWP No. 7439 of 2026****Decided on: 13.05.2026**

Rohit Kumar

.....Petitioner

Versus

State of H.P. and others

... Respondents

Coram***Hon'ble Mr. Justice Ajay Mohan Goel, Judge.*****Whether approved for reporting?¹ Yes**

For the petitioner : Mr. Devender K. Sharma, Advocate.

For the respondents : Mr. Rajpal Thakur, Additional Advocate General for respondents No. 1 and 3.

: Mr. Surender Sharma, Advocate for respondent No. 2.

Ajay Mohan Goel, Judge *(Oral)*

Notice confined to respondents No. 1 to 3. Mr. Rajpal Thakur, learned Additional Advocate General and Mr. Surender Sharma, learned Counsel, accept notice on behalf of respondents No. 1 and 3 and respondent No. 2, respectively.

2. The petitioner is aggrieved by notification dated 28.04.2026, in terms whereof, the petitioner, who is serving as a Music Teacher in Government College Basa, District Mandi, stood transferred to Government College, Sujampur, District Hamirpur in place of the private respondent. The contention of the petitioner is

¹ *Whether reporters of the local papers may be allowed to see the judgment?*

that the impugned transfer order has been passed just to accommodate the private respondent. It has been passed without appreciating the fact that the case of the petitioner is covered under the couple case clause of the policy and further that the transfer order has been passed during the enforcement of the Model Code of Conduct on account of the ensuing Panchayati Raj Elections.

3. Learned Counsel for the State Election Commission submits that the transfer has been effected with prior permission of the State Election Commission.

4. On a query put to learned Counsel for the petitioner, the Court stands informed that the petitioner is posted at the present place of posting since the year 2022.

5. In light of the fact that the petitioner has already completed four years at the present place of posting, this Court is not interfering with the impugned transfer order but it is observed that the present transfer order shall be given effect to only after the Model Code of Conduct which has been imposed in the State on account of Panchayati Raj Elections, is lifted.

6. The contention of learned Counsel for the petitioner that the petitioner has been disturbed just to accommodate the private respondent does not impress this Court for the reason that the

petitioner has already completed more than the normal tenure at the present station. His further contention that his case is a couple case, also does not impress this Court for the reason that administrative exigency of the Department cannot be subservient to such like necessities of the couple, both of whom are in government job, on every occasion when they are to be transferred. In fact, this Court impresses upon the State government to come up with a policy that specifies that in couple cases, on how many occasions, said indulgence is to be shown during their service tenure. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

May 13, 2026
(*narender*)