



Reportable

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

D.B. Special Appeal Writ No. 1180/2026
CNR: RJHC010989552026 | URN: SAW / 2380U / 2026

Govind S/o Sembha Ram Ji, Aged About 22 Years, Resident Of
Opposite Veterinary Hospital, Shergarh, District Jodhpur.

-----Appellant

Versus

1. State Of Rajasthan, Through District Collector - Cum -
District Magistrate, Balotra, District Balotra.
2. Divisional Commissioner, Jodhpur.
3. Board Of Revenue, Rajasthan, Ajmer Through Its
Registrar.

-----Respondents

For Appellant(s) : Mr. Manoj Bohra
For Respondent(s) : Mr. S.S. Rathore, AAG
Mr. Yuvraj Singh Rathore

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

Order

01/10/2026

VINIT KUMAR MATHUR, J.

1. Heard learned counsel for the parties.
2. The present Special Appeal has been filed against the order
dated 17.09.2026, whereby the writ petition preferred by the
appellant-petitioner has been dismissed by the learned Single
Judge.
3. Briefly noted the facts in the present appeal are that the
appellant-petitioner after having been selected on the post of



Junior Assistant, was posted in the office of District Collector, Balotra on probation for a period of two years. While discharging his duties at the office of District Collector, Balotra, he was transferred to the office of Sub-divisional Officer, Shergarh, district Jodhpur vide order dated 10.07.2026. After the transfer order of the appellant-petitioner having been passed by the competent authorities, appellant-petitioner was not relieved by the respondents on the ground that in the notes of the transfer order itself it was written that any employee, who is under suspension or, who is in the probation period, shall not be relieved for joining on the transferred place of posting. Aggrieved by this condition in the transfer order and since the appellant-petitioner was not relieved for joining his duties at Shergarh, he preferred a writ petition before this Court and the said writ petition was dismissed by the learned Single Bench vide order dated 17.09.2026. Hence, the present appeal has been filed by the appellant-petitioner.

4. Learned counsel for the appellant-petitioner vehemently submits that the Note No.3 mentioned in the transfer order dated 10.07.2026 is, on the face of it, arbitrary and unreasonable. Learned counsel further submits that there is no such provision in the Rajasthan Service Rules, 1951, which prohibits that if a person is discharging his duties as a probationer trainee, shall not be transferred and posted at transferred place of posting.

5. Learned counsel submits that there is no impediment for the respondent authorities to transfer a probationer from one place to another, therefore, in pursuance of the transfer order, the respondent authorities were under an obligation to relieve him. He further submits that the Division Bench of this Court in the case of



Monika Vs State of Rajasthan D.B. Spl. Appeal Writ No.601/2024 decided on 16.07.2024, has also held that there

is no prohibition for the State Authorities to not to transfer the probationer from one place to another during the probation period. He, therefore, prays that the present Spl. Appeal may be allowed and the transfer order dated 10.07.2026 may be given effect to without pressing for Note No.3 and the appellant-petitioner may be relieved for joining to his new place of posting as per the transfer order dated 10.07.2026.

6. Learned counsel for the respondents although vehemently opposed the submissions made by the counsel for the appellant, but, he is not in a position to refute the legal position canvassed before this Court and more particularly the ratio laid down in the judgment rendered in the case of Monika (**supra**).

7. We have considered the submissions made at the bar and have gone through the relevant record of the case.

8. The admitted position in the present case is that the appellant-petitioner has been transferred from Balotra to Shergarh vide order dated 10.07.2026, however, he has not been relieved by respondents in pursuance of the Note No.3 mentioned in the transfer order and since the appellant-petitioner is on probation, therefore, his relieving order has not been issued by the competent authorities of the respondents' department. It is a settled position of law that unless there is a prohibition in any statute for not transferring the employee from one place to another in probation period, the respondent authorities cannot put a condition *de hors* the law and since in the Rajasthan Service Rules, 1951, there is no such condition, which prohibits a



probationer's transfer from one place to another, therefore, inserting a condition in the transfer order that if a person is on probation, he shall not be relieved for joining the transferred place of posting, is on the face of it, arbitrary and unreasonable.

9. In the case of Monika (**supra**), the Division Bench of this Court has also held that a probationer can be transferred from one place to another during his probation period.

10. In view of the discussions made above, the learned Single Bench has committed an error while rejecting the writ petition and therefore, the present appeal merits acceptance and the same is hereby allowed and the impugned order dated 17.09.2026 passed by the learned Single Judge is quashed and set aside. The respondents are directed to execute the transfer order of the appellant-petitioner dated 10.07.2026 and the appellant-petitioner be relieved from the office of District Collector, Balotra to Sub-divisional Officer, Shergarh, District Jodhpur immediately.

(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

146(s)/Chandani Dammani