



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

S.B. Civil Writ Petition No. 21945/2026
CNR: RJHC010916312026 | URN: CW / 37734U / 2026

Sunil Kumar S/o Shri Subhash Chander, Aged About 30 Years,
Resident Of Village House No.33, Raner, Tehsil Chhattargarh, Dist.
Bikaner Raj.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Home Department, Government Of Rajasthan, Jaipur Raj.
2. The Director General Of Prisons, Rajasthan, Jaipur Raj.
3. The Deputy Inspector General, Prisons, Jaipur-Bharatpur,
Range, Jaipur-Bharatpur Raj.
4. The Superintendent, District Jail Deeg, Dist. Deeg Raj.

----Respondents

Connected With

S.B. Civil Writ Petition No. 21850/2026
CNR: RJHC010912412026 | URN: CW / 37561U / 2026

Jainarayan Meena S/o Shri Bhagwan Sahay Meena, Aged About 39
Years, Resident Of Village Malpura, Nangal Bairsi, Dist. Dausa. (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Home Department, Government Of Rajasthan, Jaipur (Raj.).
2. The Director General Of Prisons, Rajasthan, Jaipur (Raj.).
3. The Deputy Inspector General, Prisons, Jodhpur, Range,
Jodhpur, (Raj.).
4. The Superintendent, Central Jail Jodhpur, Dist. Jodhpur,(Raj.).

----Respondents

S.B. Civil Writ Petition No. 21918/2026
CNR: RJHC010915932026 | URN: CW / 37690U / 2026

Reena Meena W/o Sri Ram Meena, Aged About 26 Years, Resident Of
Village Guwada Ghesli, Post Motiwada, Tehsila Rajgarh Dist. Alwar Raj.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Home Department Government Of Rajasthan Jaipur Raj.
2. The Director General Of Prisons, Rajasthan Jaipur Raj.
3. The Deputy Inspector General, Prisons, Jodhpur Range
Jodhpur. Raj.
4. The Superintendent, District Jail Barmer Dist. Barmer Raj.

----Respondents

S.B. Civil Writ Petition No. 21922/2026
CNR: RJHC010916332026 | URN: CW / 37694U / 2026



Raghavendra Roat S/o Shri Khemraj Roat, Aged About 41 Years,
Resident Of Village Basadwada, Dist. Dungarpur, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Home Department, Government Of Rajasthan, Jaipur Raj.
2. The Director General Of Prisons, Rajasthan, Jaipur Raj.
3. The Deputy Inspector General, Prisons, Udaipur, Range,
Udaipur Raj.
4. The Superintendent, Sub Jail Begu, Dist. Chittorgarh Raj.

----Respondents

S.B. Civil Writ Petition No. 21929/2026

CNR: RJHC010914892026 | URN: CW / 37708U / 2026

Krishna Chopra W/o Shri Badri Vishal Choudhary, Aged About 30
Years, Resident Of Village Indoli, Dist Tonk Raj.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Home Department, Government Of Rajasthan, Jaipur Raj.
2. The Director General Of Prisons, Rajasthan, Jaipur Raj.
3. The Deputy Inspector General, Prisons, Jaipur-Bharatpur,
Range, Jaipur-Bharatpur Raj.
4. The Superintendent, Sub Jail Gangapur City, Dist. Sawai
Madhopur Raj.

----Respondents

S.B. Civil Writ Petition No. 21932/2026

CNR: RJHC010916222026 | URN: CW / 37714U / 2026

Neetu Kumari W/o Shri Kuldeep Kumar, Aged About 34 Years,
Resident Of Village Ward No.07, Basri, Dist Jhunjhunu Raj.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary,
Home Department, Government Of Rajasthan, Jaipur Raj.
2. The Director General Of Prisons, Rajasthan, Jaipur Raj.
3. The Deputy Inspector General, Prisons, Jodhpur, Range,
Jodhpur Raj.
4. The Superintendent, Central Jail Sri Ganganagar, Dist. Sri
Ganganagar Raj.

----Respondents

For Petitioner(s) : Mr. OP Sangwa

For Respondent(s) : Mr. Govind Lal, DGC



HON'BLE MR. JUSTICE KULDEEP MATHUR
ORDER

REPORTABLE

09/10/2026

1. These connected writ petitions raise a common issue concerning the policy of the State Government regarding posting of husband and wife, both employed in government service, at the same station or headquarter. The petitioners seek directions to the respondents to post them at the stations where their respective spouses are serving, or at nearby stations, principally on the basis of the policy instructions issued by the State Government in this regard.

2. The facts giving rise to the present petitions are substantially similar. The petitioners are serving government employees, while their respective spouses are also employed in government service at stations different from those of the petitioners. The petitioners have approached this Court seeking their posting at the station of their respective spouses, relying upon the government instructions concerning the posting of husband and wife at the same station and asserting the practical difficulties arising from their separation.

3. The grievance raised by the petitioners brings into consideration the scope and nature of the policy concerning the posting of spouses together, as also the extent to which such policy can be enforced through the writ jurisdiction of this Court. The issue, therefore, requires consideration not merely from the standpoint of the personal hardship asserted by the petitioners, but also in **the context of the applicable policy, the**



requirements of public administration and the principles governing judicial review of transfer and posting decisions.

4. There can be no dispute with the proposition that the State Government has recognized the desirability of posting husband and wife at the same station or in one district or same headquarter, wherever practicable. Such a policy serves a legitimate social purpose. It facilitates the maintenance of family life, enables spouses to discharge their familial responsibilities and may also assist in ensuring the welfare and upbringing of children. The objective underlying such a policy deserves due recognition, and the authorities are expected to take the same into consideration while examining requests for transfer or posting.

5. In this regard, the circular dated 18.05.2020 issued by the Administrative Reforms Department, Government of Rajasthan, is relevant. The said circular provides for priority in the allocation of the place of first appointment to specified categories of candidates, including husband-wife cases, subject to the availability of vacant posts. Clause 3 specifically contemplates posting of spouses at the same district or place where a vacant post is available. However, the circular, by its express terms, pertains to the allocation of place of posting at the stage of first appointment of candidates selected through the prescribed recruiting agencies. The said circular cannot, merely by analogy, be construed as conferring an absolute right upon employees already in service to secure transfer to the station of their choice. The applicability of other instructions governing transfers has to be examined in accordance with their own terms and subject to the governing service rules.





6. The legal position concerning the nature of the husband-wife posting policy stands authoritatively explained by the Hon'ble Supreme Court in **Bank of India v. Jagjit Singh Mehta, (1992) 1 SCC 306**. While considering the claim of an employee seeking posting at the station where his wife was employed, the Hon'ble Supreme Court observed:

"Although the guidelines require the two spouses to be posted at one place as far as practicable the desirability of such a course being obvious-yet that does not enable any spouse to claim such a posting as of right if the departmental authorities do not consider it feasible; nor does it mean that their place of posting should invariably be one of their choice even though their preference may be taken into account while making the decision in accordance with the administrative needs."

The Hon'ble Supreme Court further held that the departmental authorities are required to consider the feasibility of a suitable posting along with the exigencies of administration and the claims of other employees. The aforesaid pronouncement clearly recognises the importance of the policy while simultaneously defining its limits. The policy requires consideration of the request; it does not, by itself, confer an enforceable right to a particular station.

7. The aforesaid principle has also to be understood in the light of the decision of the Hon'ble Supreme Court in **S.K. Nausad Rahaman v. Union of India, Civil Appeal No.1243 of 2022** and connected matters, decided on 10.03.2022. The Hon'ble Supreme Court, while examining the relationship between administrative instructions and the requirements of family life,



observed that the State, while formulating its policies, cannot remain oblivious to constitutional values, including the preservation of family life as an incident of Article 21 of the Constitution of India. At the same time, the judgment recognises that the formulation and modulation of a posting policy, having regard to administrative requirements and the applicable service framework, falls within the domain of the executive. The decision thus calls for a balanced approach: constitutional values and legitimate family concerns must inform administrative decision-making, but the manner in which these considerations are accommodated has to remain consistent with the governing service conditions and legitimate administrative requirements.

8. This Court is conscious of the fact that the circumstances in which government employees discharge their duties have undergone considerable change over time. The participation of women in public employment has expanded, and government departments are required to balance the needs of employees with the imperatives of efficient administration. The desirability of posting spouses together cannot be assessed by assuming that family responsibilities are to be discharged predominantly by one spouse or that the career of one employee must invariably yield to the posting of the other. Both spouses may have independent service obligations, professional responsibilities and career considerations. A fair and contemporary approach requires that the concerns of both employees be considered, without presuming that the posting of either spouse must automatically be altered to accommodate the other.



9. At the same time, the administration is required to maintain adequate staffing at different establishments and to ensure that public services function efficiently. The availability of a vacancy at the station sought by an employee is undoubtedly a relevant consideration, but it cannot, by itself, be treated as conclusive. The nature of the post, the applicable cadre and service rules, staffing requirements at the existing and proposed places of posting, tenure considerations, suitability of the employee and competing administrative requirements may all bear upon the decision. Particularly in departments such as prisons and police, the requirements of maintaining operational strength and deploying personnel in accordance with administrative needs cannot be disregarded. A posting policy cannot be applied mechanically without regard to these considerations.

10. The State is also required to administer its services in conformity with the constitutional framework governing equality of opportunity and reservation in public employment. The need to ensure appropriate representation of different categories of employees, including women in accordance with the applicable reservation provisions, is a legitimate consideration wherever relevant to the administrative decision under examination. Clause 7 of the circular dated 18.05.2020 itself emphasises appropriate representation of all categories at the stage of first appointment. However, the requirements of reservation and representation must be assessed with reference to the applicable rules and the actual administrative circumstances. They cannot be invoked as a general or abstract ground either to reject every request for posting spouses together or to justify an otherwise arbitrary



decision. The broader point is that a posting policy must operate harmoniously with the other legal and administrative obligations of the State.

11. It is equally important to bear in mind that the age of a policy instruction, by itself, does not render it invalid or ineffective.

The underlying objective of facilitating the posting of spouses together continues to have relevance. Nevertheless, the implementation of such instructions must remain responsive to present-day administrative requirements and the applicable service framework. If the existing policy requires modification or clarification to address changing circumstances, the same is a matter for the competent executive authority to examine. This Court, in the exercise of judicial review, cannot rewrite the policy or convert a qualified administrative preference into an unconditional right to transfer. The appropriate course is to give due effect to the policy within its lawful scope while preserving the discretion necessary for the administration of public services.

12. The governing principle, therefore, is that a request for posting of spouses together must receive due consideration in accordance with the applicable policy, but the grant of such request remains subject to administrative feasibility and the relevant service requirements. Neither the existence of a general policy nor the assertion that a vacancy is available at the preferred station, in isolation, establishes an enforceable right to transfer. Judicial interference would be warranted where the impugned action is shown to be arbitrary, discriminatory, *mala fide*, contrary to a binding statutory provision or otherwise legally unsustainable. In the absence of such circumstances, this Court would not be



justified in substituting its own assessment of the appropriate place of posting for that of the competent administrative authority.

13. In view of the foregoing discussion, this Court finds no ground to issue a general direction requiring the respondents to post the petitioners at the stations where their respective spouses are serving, merely on the strength of the husband-wife posting policy. The writ petitions are, accordingly, dismissed.

14. The petitioners are, however, at liberty to submit a fresh representation before the respondent – department ventilating their grievances within a period of two weeks from today. In case any representation is submitted by the petitioners, the respondents are directed to objectively consider and decide the same in accordance with law.

15. All pending application, if any, also stand disposed of.

(KULDEEP MATHUR),J

87-92 /Divya Raj Jasmatiya