MAJESTY LEGAL

ADVOCATES & SOLICITORS

SUPREME COURT: INTER-DISTRICT TRANSFER OF WOMAN TEACHER IS NOT A MATTER OF RIGHT

Pratap Singh Baghel v. Akanksha Shukla[1]

The Hon'ble Supreme Court has reiterated that **a woman teacher cannot claim inter-district transfer as a matter of right merely on the ground of separation from her family.** The Court held that the relaxation provided under Rule 8(2)(d) of the Uttar Pradesh Basic Education (Teachers) (Posting) Rules, 2008, must be considered in the context of administrative requirements and, importantly, the interests of students.

The dispute arose from the rejection of a woman teacher's request for inter-district transfer from Bahraich to Lucknow, where her husband and in-laws resided. The High Court had initiated contempt proceedings on the ground that the authorities had not properly considered Rule 8(2)(d), which provides for consideration of applications by women teachers for inter-district transfer to the district of their husband's residence or in-laws' place in special circumstances.

The Hon'ble Supreme Court observed that the relevant administrative order had specifically considered the said provision and had also recognised that a Council Teacher belongs to a local cadre, whether rural or urban, and that an inter-district transfer entails a change of cadre. Such transfer cannot be claimed as a matter of right, particularly when the teacher had voluntarily opted for the cadre at the time of appointment.

The Hon'ble Court found that the rejection of the transfer request was justified on two grounds. First, the respondent had secured only 12 weightage marks against the minimum cut-off of 22 marks required for inter-district transfer. Second, the school where she was posted had 137 students but only two teachers in the primary section, whereas five teachers were required under the Right of Children to Free and Compulsory Education Act, 2009. Mere displacement from one's family, therefore, does not confer an enforceable right to inter-district transfer.

Accordingly, the Hon'ble Supreme Court set aside the High Court's order, closed the contempt proceedings and allowed the appeal, holding that **inter-district transfer is not an absolute right** and that the interests of students and institutional requirements must prevail while considering such requests.

TEAM MAJESTY LEGAL[2]

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[1] SLP (C) No. 5678 of 2025; Decided on: 05.10.2026

[2] Majesty Legal is a LAW FIRM established in 2013 by Ms. Mahi Yadav. Objective of this legal update is to provide insights on law, statutes and is personal in nature, not to be deemed as legal advice.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(Arising out of SLP (C) No.5678 of 2025)

Pratap Singh Baghel ...Appellant(s)

Versus

Akanksha Shukla ...Respondent(s)

O R D E R

Leave granted.

2. The appellant, Secretary, Board of Basic Education, Prayagraj, Uttar Pradesh, is aggrieved with the impugned order issued in the contempt case, *prima facie* finding disobedience with the judgment and order dated 26.09.2023 passed in Writ Appeal No.6926 of 2023, in which the first respondent was the appellant.

3. The impugned order indicates that the direction in the judgment from which contempt is alleged, was to consider the claim of the writ petitioner in terms of Rule 8(2)(d) of the U.P. Basic Education (Teachers)(Posting) Rules, 2008. It was found that despite the rule having been quoted, the

impugned order does not consider its impact; which gave rise to the notice issued on contempt.

4. We are unable to find any contempt on a reading of the order passed at Annexure P6. Annexure P6 definitely quotes Rule 8(2)(d), which is to the effect that applications for inter-state transfer of women or male teachers, though, would not be entertained for 5 years, in special circumstances, applications of woman teachers would be considered for inter-district transfer to the district of their husband's residence/ in-law's place. It is also specified in the order that a Council Teacher has her cadre in the local area (rural or city) and in the event of transfer, there is a change of cadre and none can seek transfer as a matter of right, especially, since at the time of appointment, the teacher had voluntarily chosen her cadre and joined thereat. The order further looks at the provisions in the Right of Children to Free and Compulsory Education Act, 2009[1], which mandates a particular student-teacher ratio to be maintained in every school as specified in the schedule.

5. Insofar as the petitioner is concerned, there are two grounds raised to reject her inter-district transfer request. One, that in considering the inter-district transfer on the basis

[1] Hereinafter referred to as 'the Act of 2009'

of online verification done, the 1st respondent received a weightage of 12 marks, while for being transferred out of Bahraich District on an inter-district transfer, the minimum cut-off weightage is 22. Further, it is also stated that in the Composite School, Sikanderpur, Development Block Mahsi, District Bahraich, where the 1st respondent is posted, the student strength is 137, against which only 2 teachers are working in the primary section. As per the Act of 2009, the school requires 5 teachers and if one of the two teachers available is transferred, it would disrupt the studies of the students enrolled. We are of the opinion that the reasons rejecting the transfer are fully justified.

6. The plea of the 1st respondent in her application is that she is living with her two-and-a-half-year old daughter, alone in Bahraich, whereas her in-laws and her husband, who is the only son of his parents, are in Lucknow. This is a universal problem faced by employees and one cannot, on the mere displacement from the family, claim an inter-district transfer, which in the present case also entails a cadre change; as a matter of right. Rule 8(2)(d) is only a relaxation insofar as woman employees are concerned, which cannot, however, result in jeopardizing the studies of the students. Every teacher should remember that the educational system is

primarily for the students and not to further the career of the teachers or to enable convenient postings to the teachers.

7. We find absolutely no reason to uphold the order of the High Court and we set aside the same.

8. The Contempt Application (Civil) No.236 of 2024 shall stand closed.

9. The appeal is allowed.

10. Pending application(s), if any, shall stand rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI;
OCTOBER 05, 2026.