

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No. 15914/2021

(Arising out of impugned final judgment and order dated 27-08-2021 in WP(C) No. 9190/2021 passed by the High Court of Delhi at New Delhi)

THE STATE OF WEST BENGAL

Petitioner(s)

VERSUS

REENA JOSHI & ANR.

Respondent(s)

(With IA No. 128841/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

WITH

SLP(C) No. 20825/2021 (XIV)

(With IA No. 165654/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 22-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Ms. Madhumita Bhattacharjee, AOR  
Mr. Anant, Adv.  
Ms. Srija Choudhary, Adv.

For Respondent(s)

Mr. P. S. Patwalia, Sr. Adv.  
Mr. Sourav Roy, AOR  
Mr. Gauravjit Patwalia, Adv.  
Mr. Prabudh Singh, Adv.  
Mr. Anwesh Madhukar, Adv.  
Mr. Kaushal Sharma, Adv.  
Ms. Prachi Nirwan, Adv.

Mr. Devadatt Kamat, Sr. Adv.  
Mr. Mayank Jain, Adv.  
Mr. Parmatma Singh, AOR  
Mr. Madhur Jain, Adv.

Ms. Aakriti Dhawan, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

In both these cases, the question which is raised by the petitioner (State of West Bengal) pertains to the effect of Rule 5(2) of the IAS (Cadre) Rules, 1954 and the impact of the Rule Giver insisting on concurrence by the State Government for the transfer of an officer in the context of marriage with another officer of the All India Service. We are inclined to examine the legal issue. However, we feel that interest of justice would not require that we should interfere with the order passed in favour of the respondents by the High Court which upheld the order of the Tribunal. We therefore make it clear that we will not be interfering with the orders of the Tribunal in favour of the respondent officer but will examine the legal issue which has been raised.

Since we are refusing to pass an interim order in favour of the petitioner-State, the State should take steps to implement the impugned order *qua* respondent-Lakshmi Bhavya Tanneeru, within four weeks.

As far as the respondent in the other special leave petition is concerned (i.e. SLP (C)No. 15914/2021), it is common case that she has already joined the State of Uttarakhand.

Leave granted in SLP (C)No.20825/2021.

SLP (C) No. 15914/2021 etc.

**Issue notice in SLP (C)No. 15914/2021. Mr. Parmatma Singh, learned counsel accepts notice for respondent No.1.**

**Leave granted in SLP (C)No. 15914/2021.**

**List the matters on 26<sup>th</sup> April, 2022.**

**(NIDHI AHUJA)  
AR-cum-PS**

**(RENU KAPOOR)  
BRANCH OFFICER**