

ORDER

In the matter of:

CWP No: 9063/2023-titled as Himani Shukla, TGT (Arts) V/s. State of Himachal Pradesh (Regarding Transfer).

Smt. Himani Shukla, TGT (Arts) has filed CWP No. 9063/2023 in the Hon'ble High Court of Himachal Pradesh, seeking the relief to the extent that the petitioner may be transferred from GSSS Koti, District Shimla to station of her choice. The case was listed before the Hon'ble High Court of H.P. on 20-11-2023, when the same has been disposed of with the following orders:-


"In the facts and circumstances as mentioned hereinabove, this Court directed the Respondent No. 2-Director of Elementary Education, to decide the representation dated 25-09-2023 (Annexure P-3), within two weeks from today, after giving a personal hearing to the petitioner. While deciding the representation the station as indicated in the representation or other stations, may also be taken into account, subject to public interest and administrative feasibility.

Needless to say that, this Court has not adverted to the rival contentions and merits of the matter and all questions of facts and law are left open.

In aforesaid terms, the writ petition as well as the pending miscellaneous application(s), if any, shall also stand disposed of, accordingly."

In compliance to the Hon'ble High Court of Himachal Pradesh, the petitioner Smt. Himani Shukla, TGT (Arts) was called for personal hearing and appeared before the undersigned on 12-12-2023. On this day, petitioner has submitted her fresh representation and has requested for transfer from GSSS Koti, District Shimla to GGSSS Lakkar Bazar/GHS Bharari/GMS Badash/GMS Chairi, District Shimla or GSSS Sayri, District Solan, against longer stayee.

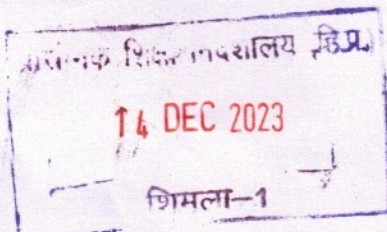
From the perusal of record, it is found that Smt. Himani Shukla, TGT (Arts) is working at GSSS Koti, District Shimla since 20-10-2020 and has completed normal tenure at her present place of posting. At present the transfer of the petitioner will affect the study of students in the mid session, hence the representation of petitioner Smt. Himani Shukla, TGT (Arts) cannot be considered at this stage. Hence, request made by the petitioner is hereby rejected and disposed of accordingly.

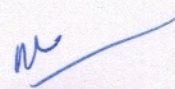

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the December, 2023

Copy to the following for information and necessary action please:-

1. The Secretary (Education) to the Govt. of Himachal Pradesh, Shimla-2
2. The District Attorney (Edu) Dte. of Elementary Edu. w. r. t. CWP No. 9063/2023.
3. The Deputy Director of Elementary Education, Shimla, H.P.
4. The Principal, GSSS Koti, District Shimla, H.P.
5. Smt. Himani Shukla, TGT (Arts) GSSS Koti, District Shimla, H.P.
6. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
7. The Guard file.




DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

In the matter :

CWP No.8767/2023 titled as Smt.Arti Gupta TGT(Med) (Med) Vs state of H.P. & others .

The Petitioner, Smt. Arti Gupta, TGT(Med), filed CWP No. 8767/2023 titled as, Smt. Arti Gupta Vs State of H.P. before the Hon'ble High Court of H.P. against her transfer from GHS Kulthi (KGR) to GSSS Bhalai Distt. Chamba. The case of the petitioner was listed before the Hon'ble High Court, Shimla-2 on 08th November, 2023, when after hearing the matter, the Hon'ble High Court has disposed of the same with the following directions/ order:-

"In view of the specific averments so made in the writ petition, as referred to above, this Court is inclined to grant interim protection to the petitioner till the decision of the representation by the competent authority.

Accordingly, the operation of the office Order dated 31-10-2023, Annexure P-I, shall remain stayed, qua the petitioner, in case, the petitioner remain stayed, qua the petitioner, in case, the petitioner has not been relieved and the substitute has not joined in her place.

In the aforesaid terms, the terms, the instant writ petition, as well as, the pending miscellaneous application(s), if any, shall also stand disposed of, accordingly."

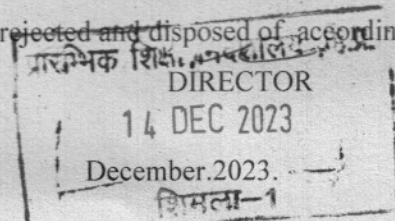
As per direction of the Hon'ble High Court the petitioner was called for personal hearing on dated. 12th December, 2023. The petitioner attended the personal hearing on scheduled date and time. During personal hearing she has requested that she may be adjusted at GHS Bandal (KGR) against longer stay by clubbing their stay within the radius of 3 Km from their present place of posting.

From the perusal of the record, it reveals that Smt. Arti Gupta, TGT (Med) has been transferred from GHS Kulthi (KGR) (by clubbing the radius of 30 Km) to GSSS Bhalai Distt. Chamba vice Smt. Nittu Chaudhary, TGT(Med), with the prior approval of the competent authority. However, being a Govt. employee and that too in a State cadre, request of the petitioner is not tenable. Moreover, in GSSS Bhalai Distt. Chamba, there are 170 students studying from class VI to X. In the interest of the students post of TGT(Med) cannot be kept vacant. Therefore, keeping in view of the position stated above, the representation made by the petitioner can not be acceded to and hereby rejected and disposed of accordingly.

Endst. No. Even Dated Shimla-171001.

Copy for information is forwarded to:

- 1 The Distt. Attorney (Edu.) Directorate of Elementary Education Shimla-1.H.P
- 2 The Deputy Director of Elementary Education, Kangra/Chamba.
- 3 The Principal / Headmaster GHS Kulthi (KGR)/ GSSS Bhalai Distt. Chamba
4. The Nodal Officer Directorate of Elementary Education Shimla, H.P.



DIRECTOR