

No: EDN-H(2)B(6)1-18/2025(Arts)-Court Case
Directorate of Elementary Education,
Lalpani-Shimla-1 Himachal Pradesh.
Dated Shimla-171001 the



July, 2025

ORDER

In the matter of: CWP No. 9066/2025-titled as Padma, TGT (Arts) V/s. State of Himachal Pradesh.


The petitioner has filed present CWP No. 9066/2025 titled as Padma, TGT (Arts) V/s State of H.P. in the Hon'ble High Court vide which she has sought her transfer from GSSS Haripurdhar Distt Sirmour to a soft area on completion of normal tenure at hard/triba area. The case was listed before the Hon'ble High Court of H.P. on 30.5.2025, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

“In view of above & looking into the grievance of the petitioner, the writ petition is disposed of by permitting the petitioner to make a fresh representation to respondent No.2/competent authority for her transfer from Hard/Tribal area, within a period of two weeks from today, who shall in turn, consider and decide the same, in accordance with law and applicable policy, within a further period of three weeks. The order so passed be also communicated to the petitioner.”

In compliance with the orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner was called for a personal hearing on dated 18.7.2025 and appeared before the undersigned on the scheduled date. The petitioner has requested transfer/adjustment either to GSSS Dhon/GSSS Jamta/GSSS(B) Nahan/GSSS(G) Nahan/GSSS Saintari Distt Sirmour, citing that she has completed her normal tenure at the present station i.e sub cadre area.

From the perusal of the records, it is found that the petitioner, Smt.Padma, TGT (Arts), has been posted at GSSS Haripurdhar (sub cadre area) Distt Sirmour since 21.2.2022. The petitioner has completed her normal tenure at the present station. Presently, one post of TGT (Arts) is vacant at GSSS Dhon Distt Sirmour wherein 104 students are enrolled.

In view of the above circumstances, the representation of the petitioner has been considered sympathetically. Accordingly, Smt. Padma, TGT (Arts), posted at GSSS Haripurdhar Distt Sirmour is hereby adjusted at GSSS Dhon Distt Sirmour against the vacant post, without TTA/JT. The representation of the petitioner in the present CWP stands disposed of accordingly.



DIRECTOR
School Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the July, 2025

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

1. The District Attorney (Edu) Dte. of School Edu. w.r. t. CWP No. 9066/2025.
2. The Deputy Director of School Education, Sirmour, H.P.
3. The Principal, GSSS Haripurdhar/ GSSS Dhon Distt Sirmour, H.P.
4. Smt. Padma, TGT (Arts) GSSS Haripurdhar Distt Sirmour, H.P.
5. The Nodal Officer (IT) internal, Directorate of School Education Shimla.
6. The Guard file.




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Directorate of School Education
25 JUL 2025
July, 2025
Himachal Pradesh, Shimla-171001

In the matter of:- CWP No. 10827/2025-titled as Santosh Kumar, TGT (Arts) V/s. State of HP.

The petitioner transfer order was issued on dated 03.07.2025 from GSSS Daulatpur Distt. Kangra to GSSS Bashdhar, Theog Distt Shimla by clubbing his previous place of posting/tenure in compliance of CWP No. 12499/2025. Feeling aggrieved, he has filed present CWP No. 10827/2025 titled as Santosh Kumar, TGT (Arts) V/s State of H.P. in the Hon'ble High Court. The case was listed before the Hon'ble High Court of H.P. on 07.07.2025, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

"...Needless to say, authority concerned while doing the needful in terms of instant order, shall afford an opportunity of being heard to the petitioner and pass appropriate order thereupon taking note of Transfer Policy, formulated by the Government of Himachal Pradesh, which certainly enables a Government employee to seek adjustment at a convenient station, on the ground of couple case. Till the time, representation, if filed within a period of three days, is not decided by the competent authority, in terms of instant judgment, petitioner shall not be compelled to join at the transferred station."

In compliance with the orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner was called for a personal hearing on dated 18.7.2025 and appeared before the undersigned on the scheduled date. The petitioner (Sh. Santosh Kumar, TGT (Arts) has requested transfer/adjustment either to GSSS Aerla/Darang/Chambi/Dadh/Purana Kangra Distt Kangra against longer stayee, citing that he has completed normal tenure of posting & his wife is also working as JBT in Education department.

From the perusal of record, it is found that Sh. Santosh Kumar, TGT (Arts) has been posted at ~~from~~ GSSS Daulatpur Distt. Kangra w.e.f. 14.07.2023 and he has not completed her normal tenure but serving within the radius of 30 Kms. The transfer order of Sh. Santosh Kumar was issued in compliance with the directions of the Hon'ble High Court in CWP No. 12499/2025, titled Anita Kumari, TGT (Arts). This order mandated the transfer of Sh. Santosh Kumar from GSSS Daulatpur, District Kangra, to GSSS Basadhar, Theog, District Shimla, by clubbing his previous place of posting/tenure. It is important to highlight that the student enrollment at GSSS Basadhar stands at 62, and the institution is classified as a soft area within District Shimla. Furthermore, Sh. Santosh Kumar has not previously served in a hard or tribal area. The Hon'ble High Court's judgment in CWP No. 2734/2024, titled Monika Katna Vs. State of HP, upheld the legality and validity of the office memorandum dated 27.10.2023, which provides for the clubbing of stay for transfer purposes. The Court clarified that such clubbing is not contrary to Clause-10 of the Transfer Policy of the State Government. Additionally, in CWP No. 10255/2025, titled Bharti Rathour Vs. State of HP, the Hon'ble High Court emphasized that all departments must ensure that each employee is assigned to a sub-cadre or tribal area at least once during their service career.

In view of above narrated facts and as per provision contained in comprehensive guidelines Principles-2013 for regulating the transfer of State Government employees, it is specifically mentioned in Para 12.1 "Transfer to a particular place of choice cannot be claimed as a matter of right." Therefore, being a State cadre Government employee, the request of the petitioner is not tenable and hereby rejected. The representation of the petitioner with the present CWP is disposed of accordingly.

Sd/
DIRECTOR
School Education
Himachal Pradesh, Shimla

Endst No. Even dated, Shimla-1, the July, 2025

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

1. The District Attorney (Edu) Dte. of School Edu. w. r. t. CWP No. 10827/2025.
2. The Deputy Director of School Education, Kangra/Shimla, H.P.
3. The Principal/Headmaster, GSSS Daulatpur Distt. Kangra/GSSS Basadhar, Distt Shimla.
4. Sh. Santosh Kumar, TGT (Arts) GSSS Daulatpur Distt. Kangra H.P.
5. The Nodal Officer (IT) internal, Directorate of School Education Shimla.
6. The Guard file.

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ORDER

In the matter of: CWP No. 8395/2025-titled as Amit Gurang, TGT (Arts) V/s. State of Himachal Pradesh.

The petitioner has filed present CWP No. 8395/2025 titled as Amit Gurang, TGT (Arts) V/s State of H.P. in the Hon'ble High Court against his transfer order dated 16.05.2025 and he has sought his adjustment at GHS Sumatter u/c GSSS Kakira Distt. Chamba, against vacancy as he short stay. The case was listed before the Hon'ble High Court of H.P. on 21.05.2025, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

“Though this Court finds no illegality in the impugned transfer order, especially with regard to the fact that petitioner has already completed normal tenure of posting at present place of posting, but having taken note of the fact that petitioner's son, aged 13 years, is 75% disabled, coupled with the fact that Sub-Para 5.6 of Office Memorandum dated 17.09.2015 (Annexure P-3), issued by Government of Himachal Pradesh, Department of Personnel, clearly provides that Government employee, who has disabled child, may be exempted from the routine exercise of transfer/rotational transfer, subject to the administrative constraints, as far as possible, this Court deems it fit to dispose of the present petition, reserving liberty to the petitioner to file representation to the competent authority, within a period of one week, praying therein for cancellation of his transfer order or adjustment at a convenient station, which in-turn shall be decided by the competent authority, expeditiously, preferably, within a period of ten days. Ordered accordingly. Needless to say, authority concerned while doing the needful in terms of instant order, shall afford an opportunity of being heard to the petitioner and pass appropriate orders thereupon taking note of Sub-Para 5.6 of the Office Memorandum dated 17.09.2015, as detailed hereinabove. Till the time, representation, if any, filed within one week, is not decided by the competent authority, petitioner shall not be compelled to join at the transferred station.”

In compliance with the orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner was called for a personal hearing and appeared before the undersigned on the scheduled date. The petitioner has requested transfer/adjustment either to GHS Sumatter under GSSS Kakira, District Chamba, against the vacant post, or alternatively, cancellation of the transfer order, citing that he has not completed his normal tenure at the present station and his son is 75% disabled.

From the perusal of the records, it is found that the petitioner, Shri Amit Gurang, TGT (Arts), has been posted at GMS Barian under GSSS Kakira, District Chamba since 13.10.2022. He is currently under transfer to GSSS Hallan, District Sirmour, against a vacant post. The petitioner has not completed his normal tenure at the present station, and his son is indeed 75% disabled. Presently, one post of TGT (Arts) is vacant at GHS Sumatter u/c GSSS Kakira, District Chamba, where 39 students are enrolled.

In view of the above circumstances, the representation of the petitioner has been considered sympathetically. Accordingly, Shri Amit Gurang, TGT (Arts), is u/t GMS Barian under GSSS Kakira, District Chamba to GSSS Hallan, District Sirmour hereby transferred/adjusted at GHS Sumatter under GSSS Kakira, District Chamba, against the vacant post, without TTA/JT. The representation of the petitioner in the present CWP stands disposed of accordingly.

Sds
DIRECTOR
School Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the

July, 2025

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

1. The District Attorney (Edu) Dte. of School Edu. w. r. t. CWP No. 8359/2025.
2. The Deputy Director of School Education, Chamba/Sirmour, H.P.
3. The Principal, GSSS Kakira Distt Chamba/GSSS Hallan Distt. Sirmour, H.P.
4. Sh. Amit Gurang, TGT (Arts) GMS Barian u/c GSSS Kakira Distt Chamba, H.P.
5. The Nodal Officer (IT) internal, Directorate of School Education Shimla.
6. The Guard file.

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Himachal Pradesh, Shimla-171001

ORDER

In the matter of: CWP No. 10843/2025-titled as Shashi Kumar, TGT (Arts) V/s. State of Himachal Pradesh.

The petitioner has filed present CWP No. 10843/2025 titled as Shashi Kumar, TGT (Arts) V/s State of H.P. in the Hon'ble High Court vide which he has sought his transfer from GSSS Saindari District Shimla to one of the station of her choice. Earlier, the petitioner CWP No.8376/2025 was rejected vide this office order dated 04.07.2025. The present CWP No. 10843/2025 was listed before the Hon'ble High Court of H.P. on 08.07.2025, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

"...Impugned order itself suggests that petitioner had requested for his transfer either to GMS Ropa E/B Gopalpur, GMS Khundla u/c GSSS Baldwara, GMS Thana Chowki u/c GSSS Trifalghat, District Mandi, and while doing so, he has specifically stated in the representation that in case actual stay of some of the Teachers in afore School is counted by clubbing their previous stay within the radius of 30 kilometers, there would be many with longer stay, but it appears that Director, School Education, merely taking note of the fact that at present 51 students are studying at GSSS Saindari, where the petitioner is working, proceeded to reject the representation.

Consequently, in view of the above, this Court finds merit in the present petition and accordingly the same is allowed. Impugned order dated 04.07.2025 (Annexure P-1) is quashed and set-aside. Respondents are directed to decide the representation of the petitioner afresh, taking note of observations made hereinabove expeditiously, preferably, within a period of three weeks. Needless to say, authority concerned, with a view to give complete effect to the orders passed by this Court, would not hesitate to transfer an employee from the Schools concerned, if he/she has already completed normal tenure of posting."

In compliance with the orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner (Sh. Shashi Kumar, TGT (Arts) representation is reconsidered in which he has requested for his transfer either to GMS Ropa E/B Gopalpur, GMS Khundla u/c GSSS Baldwara, GMS Thana Chowki u/c GSSS Trifalghat District Mandi, citing that he has completed normal tenure of posting and having adverse family circumstances.

From the perusal of record, it is found that Sh. Shashi Kumar, TGT (Arts) is working at GSSS Saindari District Shimla since 30-08-2018 wherein the enrollment of students is 51 (Aprx.). At present post of TGT (Arts) are not lying vacant in the petitioner preferred schools, but one Sh. Balbir Singh, TGT (Arts) is working at GMS Ropa Thathar u/c GSSS Bhambla Distt Mandi since 05.05.2025 and having short stay but serving within the radius of 30 Kms.

In view of the above circumstances, the representation of the petitioner has been considered sympathetically and the petitioner Sh. Shashi Kumar, TGT (Arts), posted at GSSS Saindari District Shimla is hereby transfer/adjusted at GMS Ropa Thathar u/c GSSS Bhambla Distt Mandi vice Sh. Balbir Singh, TGT(Arts) and vice versa basis, by clubbing his previous place of postings tenure (with TTA/JT to Sh. Balbir Singh, TGT(Arts). The representation of the petitioner in the present CWP stands disposed of accordingly.

DIRECTOR
School Education
Himachal Pradesh, Shimla

Endst No. Even dated, Shimla-1, the July 2025

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 10843/2025.
2. The Deputy Director of Elementary Education, Shimla/Mandi, H.P.
3. The Principal/Headmaster, GSSS Saindari, District Shimla/ GSSS Bhambla Distt Mandi, H.P.
4. Sh. Shashi Kumar, TGT (Arts) posted at GSSS Saindari, District Shimla H.P.
5. The Nodal Officer (IT) internal, Directorate of School Education Shimla.
6. The Guard file.

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