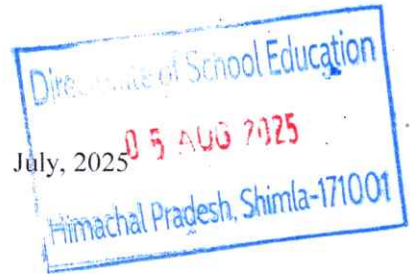


No: EDN-H(2)B(6)1-18/2025(Arts)-Court Case
Directorate of Elementary Education,
Lalpani-Shimla-1 Himachal Pradesh.
Dated Shimla-171001 the



ORDER

In the matter of:- CWP No. 9959/2025-titled as Santosh Kumar Gautam, TGT (Arts) V/s. State of HP.

The petitioner has filed present CWP in the Hon'ble High Court of HP and sought his transfer from GHS Karati Distt. Shimla to a station of his choice. 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:-

".....this Court having taken note of the fact that petitioner has been working at present place of posting for the last three years and his parents are suffering from serious ailment, this Court without going into the merits of the case deems it fit to dispose of the present petition, with a direction to the respondents to consider and decide the representation (Annexure P-4) of the petitioner expeditiously, preferably within a period of three weeks. Ordered accordingly. Needless to say, authority concerned, while doing the needful in terms of instant order, shall afford an opportunity of hearing to the petitioner and pass appropriate order, taking note of transfer policy framed by the Government of Himachal Pradesh, which certainly enables an employee to seek transfer/adjustment at a convenient station on account of adverse family circumstances as well as on medical grounds."

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 26.7.2025 and appeared before the undersigned on the scheduled date. The petitioner (Sh. Santosh Kumar Gautam, TGT (Arts) has requested adjustment either at GSSS Baldwara/GSSS Bhambla/Chandesh/GHS Sulpur Bahi/GSSS Gopalpur Distt. Mandi, citing that he has completed normal tenure of posting as he has joined at present school on dated 28.2.2022 & his parents are suffering from multiple ailments (Knee Join pain, Diabetes and Asthma) and younger son is under treatment from PGI Chandigarh.

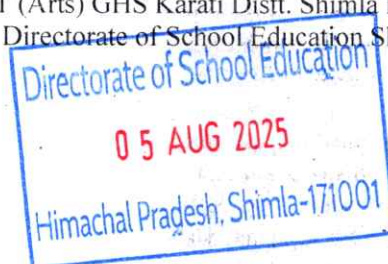
From the perusal of record, it is found that Sh. Santosh Kumar Gautam, TGT (Arts) has been working at ~~from~~ GHS Karati Distt. Shimla since 15.9.2022 on contract basis and his services was regularized vide this Directorate letter dated 12.07.2024. It is important to highlight that the student enrollment at GHS Karati Distt. Shimla stands at 25, and the institution is classified as a soft area within District Shimla. At present no post of TGT (Arts) is lying vacant in the petitioner choice of Schools. However, 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. It will be the discretion of the State Govt. to post/transfer any employee anywhere in the state keeping in view of the administrative exigencies/convenience."

Now therefore, after taking into account the above discussed detail fact and circumstances, the request of the petitioner has been considered and rejected on the ground that petitioner is posted at soft area station and in the interest of students his services are urgently required in the present place of posting. Hence, in view of ongoing facts, representation of the petitioner has been rejected and stands disposed of. All the concerned are intimated 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. 9959/2025.
2. The Deputy Director of School Education, Shimla, H.P.
3. The Principal/Headmaster, GHS Karati Distt. Shimla,
4. Sh. Santosh Kumar Gautam, TGT (Arts) GHS Karati Distt. Shimla H.P.
5. The Nodal Officer (IT) internal, Directorate of School Education Shimla.
6. The Guard file.



u
DIRECTOR
School Education
Himachal Pradesh, Shimla

Aug, 2025

In the matter of: CWP No. 4218/2025- titled as Kamlesh Kumar, Vs. State of H.P. and others.

Whereas, Kamlesh Kumar, TGT (NM) presently working in GMS Kandhidhar u/c GSSS Thachi Distt. Mandi has filed CWP. No. 4218/2025- titled as Kamlesh Kumar, Vs. State of H.P. and others before the Hon'ble High Court, seeking the relief that he may be transferred from GMS Kandhidhar u/c GSSS Thachi, Distt. Mandi to one of the stations of his choice in Distt. Mandi. The case of the petitioner was listed before the Hon'ble High Court on 24.03.2025 when after hearing the matter the Hon'ble court was pleased to dispose of the above mentioned CWP with the following directions/Order :-

"4. Looking to the limited grievance of the petitioner, this writ petition is disposed of by directing respondent No.2/competent authority to consider and decide the aforesaid representation of the petitioner, in accordance with law, within a period of four weeks from today. The order so passed be also communicated to the petitioner. Pending miscellaneous application(s), if any, shall also stand disposed of."

In compliance to the directions of the Hon'ble High Court, the petitioner was called for personal hearing on 26.04.2025 by the undersigned and the petitioner attended the personal hearing on scheduled date and time and was heard at length. During the course of hearing, the petitioner requested that he may be transferred from GMS Kandhidhar u/c GSSS Thachi, Distt. Mandi to GHS Parsada Hawani or GSSS Rissa or GSSS Paploy or GSSS Brang or GSSS Dev Brarta, Distt. Mandi against vacant post or longer stayee.

After perusal of the relevant record, it is revealed that the petitioner has been working as TGT (NM) at GMS Kandhidhar u/c GSSS Thachi, Distt. Mandi since 08.11.2023 and the said teacher has not completed his normal tenure of three years at present place of posting. Keeping in view the position stated above, representation of the petitioner is not considered and the request of the petitioner is not tenable and hereby rejected.

The representation of the petitioner is disposed of after due consideration. All the concerned be intimated accordingly.

DIRECTOR

EndstNo:- Even

dated Shimla-1, the

Aug, 2025

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

1. The District Attorney (Edu) Dte. of Sel. Edu. Shimla for information please.
2. The Deputy Director of Elem. Education, Mandi (H.P.).
3. The Principal, GMS Kandhidhar u/c GSSS Thachi, Distt. Mandi H.P.
4. Sh. Kamlesh Kumar TGT (NM) at GMS Kandhidhar u/c GSSS Thachi, Distt. Mandi H.P.
5. Incharge (IT) Directorate of School Education.
6. Guard File.



DIRECTOR