

Dated Shimla -171001-

Directorate of School Education
12 JUN 2025
Himachal Pradesh Shimla-171001

OFFICE ORDER

Whereas, Sh. Vijay Kumar, Lect. Computer Science who is under orders of transfer from GSSS Kuthera (HMR) to GSSS Chama (Sirmour) against vacancy in public interest vide this office order dated 31.07.2024, but against these order he has approached before the Hon'ble High Court by way of CWP No.7784/2024 alleging therein that he has been transferred within a short span of one year & four months as well as he has also alleged that his transfer has been made on the basis of DO note and this case was listed before the Hon'ble High Court on 28.3.2025 when the Hon'ble High Court has disposed of the same with the direction to respondent No.2 to take a fresh call in the matter of transfer of petitioner and issue appropriate orders in that regard in accordance with law as per applicable transfer policy within two weeks and till such period petitioner shall be allowed to remain at the station.

And whereas, upon passing of above directions, petitioner has submitted his representation on dated 17.4.2025 wherein he has requested that either his transfer order dated 31.7.2024 be cancelled or adjusted at GSSS Samirpur (HMR) or Kakriar (HMR) or GBSSS Hamirpur against vacancy or GSSS Alampur (KGR) vice Sh. Vijay Kumar, Lect. Computer Science who may further be transferred to GSSS Kuthera (HMR) in place of him on consent basis.

And whereas, as per direction passed by the Hon'ble High Court as above, while examined his representation it is found that one outsource faculties is also working in GSSS Kuthera (Hamirpur) and student enrollment is 89. But the post of Lect. (SN) Computer Science is lying vacant at GSSS Chama (Sirmour) and no outsource faculty is working there and enrollment of student is 30. However, and as per "Comprehensive Guiding Principles- 2013" for the regulation the transfer of State Government employees it is clearly mentioned at Rule No.-12.1 that no Government employee can claim his transfer or posting as a matter of right. It will be the discretion of State Government or post/transfer any employee anywhere in the State keeping in view of the administrative exigencies/convenience. Therefore, on that ground his representation was rejected.

And whereas, upon passing of above rejection orders, he has again approached before the Hon'ble High Court by way of another CWP No. 7975/2025 against these orders as pleaded that for no cogent and convincing reason proceeded to reject the representation filed by the petitioner and as such, order being not in conformity with the earlier judgment dated 28.3.2025 passed by Coordinate Bench of this Court in CWP No. 7784/2025.

This case was listed before the Hon'ble High Court on 15.5.2025 when the Hon'ble High Court disposed of with the following directions:-

"Though, Mr. Vinod Thakur, learned counsel for the petitioner, vehemently argued that impugned transfer order was issued on the basis of DO Note, but once it is not in dispute that petitioner has already completed normal tenure of posting at present place of posting, there appears to be no reason for this court to take note of aforesaid aspect of the matter. Moreover, this Court finds that after issuance of impugned transfer order, which was issued one year back Petitioner, has not joined till date, as a result thereof, students studying at transferred station are suffering for no fault of them. Though this court finds no reason to interfere with the impugned transfer order and as such, same is upheld, but having taken note of fact that impugned

transfer order nowhere reveals stations stated to be lying vacant, 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 three days praying therein for adjustment at a nearby station on account of adverse family circumstances, which in turn shall be decided by competent authority within a period of one week, 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 taking note of observations made hereinabove as well as Transfer Policy, which enables an employee to seek cancellation of transfer or adjustment at a convenient station on account of adverse family circumstances. Till the time, representation, as detailed herein above, is not decided in terms of instant order, petitioner shall not be compelled to join at transferred station in terms of impugned transfer order. Pending applications, if any, stand disposed of."

And whereas, as per the direction passed by the Hon'ble High Court on 15.5.2025, petitioner was called to appear in person on dated 02.06.2025. During the course of hearing, petitioner has requested to adjust him at GSSS Loharli (HMR) or GSSS Samirpur (HMR) or Kakriar (HMR) or GBSSS Hamirpur against vacancy or GSSS Alampur (KGR) vice Sh. Vijay Kumar, Lect. Computer Science who may further be transferred to GSSS Kuthera (HMR) in place of him on consent basis.


And whereas, as per direction passed by the Hon'ble High Court as above, the request of petitioner has been examined and found that there is someone posted in these stations whether it is outsourced or through Commission except GSSS Samirpur (HMR) and GSSS Loharli and it is also found that the post of Lecturer (Computer-Science) is lying vacant at GSSS Charna (SMR) since 2016 where 19 students are studying and it is also found that petitioner has not served in hard/tribal area from his initial appointment and as per transfer policy Rule No. 12 every employee during his tenure of service, serves in Tribal/Hard/Difficult areas and also in Remote/Rural areas as well as petitioner was serving within the radius of 30 KM since 2018 and continuous services rendered by employees of Education Department within a radius of 30 Kms will be considered stay/tenure at one station, & such services will be clubbed for calculation of tenure for purpose of transfer as per Government Instructions dated 27.10.2013

Now therefore, after taking into account the above discussed detail fact and circumstances, the request of the petitioner cannot be acceded to. Hence in view of ongoing facts, representation of the petitioner has been rejected and his transfer orders dated 31.07.2024 shall stand.

With these observations, representation stands disposed of

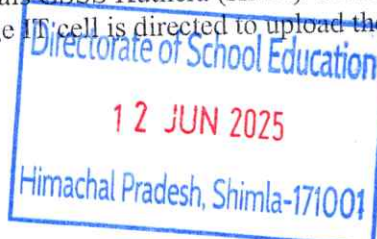
Regd.


Sh. Vijay Kumar, S/o Purshotam Lal
Vill. Ghumarda, P.O. Nareli, Tehsil & Distt. Hamirpur


Director School Education
Himachal Pradesh

Endst. No. Even dated, Shimla-1, the,
Copy for information to:-

1. The Dy. Director of Higher Education Hamirpur/Sirmour
2. The Superintendent Legal Cell Directorate of School Edu. In view of CWP No 7975/2025 titled as Vijay Kumar, Vs State of H.P (Computer Science).
3. The Principals GSSS Kuthera (HMR)/Charna (Simour).
4. The incharge IT cell is directed to upload the said orders in the website.
5. Guard file.




Director School Education
Himachal Pradesh