

No: EDN-H (2) B (6)1-18/2022(A)-Court Case
Directorate of Elementary Education,
Lalpani-Shimla-1 Himachal Pradesh.
Dated Shimla-171001 the

July, 2022

In the matter of: CWP No: 3210/2022-Rajni Devi, TGT (Arts) Vs. State of Himachal Pradesh
(Regarding Transfer)

Smt. Rajni Devi, TGT(Arts) has filed CWP No. 3210/2022- before the Hon'ble High Court regarding transfer from GSSS Paral, Distt. Kangra. The case was listed on 28.06.2022, when the same has been disposed of with the following directions:-

The respondent No.2, Director Elementary Education, Himachal Pradesh, to dispose of the representation dated 23.02.2022 (Annexure P-4) moved by the petitioner, expeditiously in accordance with law preferably within a period of three weeks from the date of receipt of the copy of this order.

Pending miscellaneous application (s), if any, shall also stand disposed of.

In compliance of the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the representation (Annexure P-4) filed by the petitioner was perused wherein the petitioner i.e Smt.Rajni Devi, TGT (Arts) stated that her son is 75% specially abled (Mental illness) and requested that she may kindly be transferred from GSSS Paral (Kangra) to GSSS Birta (Kangra /GSSS Birta (Kangra) against vacancy. But, there is no vacant post /no longer working there against whom the petitioner can be adjusted . Thereafter, the petitioner has submitted fresh representation vide which she has given six stations for transfer i.e GSSS Girls Nagrota Bagwan/ GSSS Mandal/ GSSS Salol/GSSS Bohar Kawalu /GMS Khaper Nala /GHS Dehrian, Distt.Kangra.

On the perusal of record, it is found that Smt. Rajni Devi, TGT(Arts) is working in GSSS Paral, Distt .Kangra since 23.11.19 and has not completed her normal tenure. For ready reference provisions contained in Office Memorandum No:Per(AP-B)(B)(7)-1/2010-Vol-II dated 17.9.2015 Comprehensive Guiding Principles 2013--for regulating transfers of officers/officials of the State Government dated 10.7.2013 wherein sub-para 5.6 has been inserted (sub-para 5.5.) was perused carefully which reads as under:-

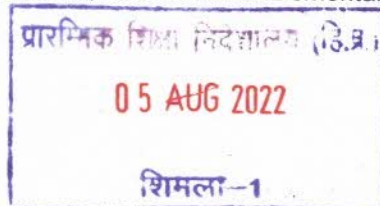
Concession to officials having differently abled dependents:-The Government employee, who has disabled child may be exempted from the routine exercise of transfers/rotational transfer subject to the administrative constraints, as far as possible, the word "disabled" includes (i) blindness or low vision(ii) hearing impairment(iii) locomotors disability or cerebral palsy (iv)mental illness and (vii)multiple disabilities.

Keeping in view of the above facts and circumstances, petitioner Smt. Rajni Devi, TGT (Arts) is hereby transferred from GSSS Paral, Distt. Kangra to GMS Khapparnak/c GSSS Balugloa, Distt.Kangra, against vacancy, being caused due to retirement of present incumbent on 31.07.2022, on medical grounds of her son, without TTA/JT in view of provision contained in 5.5. of Office Memorandum dated 17.9.2015. The petitioner will join after superannuation of present incumbent i.e. after 31.07.2022. The representation of the petitioner is disposed of accordingly.

DIRECTOR

Endst. No. EDN-H (2) B (6) 1-18/2022 (A) dated, Shimla-1, the
Copy to the following for information and necessary action please:-

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 3210/2022.
2. The Deputy Director of Elementary Education, Kangra at Dharamshala, H.P.
3. The Principal GSSS Paral/ GSSS Balugloa, Distt. Kangra, H.P.
4. Smt. Rajni Devi, TGT(Arts) GSSS Paral, Distt. Kangra, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.



DIRECTOR