

**DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI SHIMLA**

Dated Shimla-171001, the Feb, 2023

ORDER

In the matter of: CWP No. 4267/2022 titled as Anita Chaudhari Vs. State of H.P. & Others.

Whereas, Smt. Anita Chaudhari, TGT (NM) preferred CWP No. 4267/2022 titled as Anita Chaudhari Vs. State of H.P. before the Hon'ble High Court of H.P. regarding her transfer from GSSS Meharidhar District Mandi to the station nearby her native place. The above writ petition was listed before the Hon'ble High Court, Himachal Pradesh on 11.07.2022 when the Hon'ble High Court has passed the following orders:-

"3. Learned counsel for the petitioner, on instruction, states that since the station where the petitioner is currently posted does not fall within the hard and difficult area, therefore, she may be permitted to withdraw the instant petition and pursue the representation which is pending with the authority. Prayer being innocuous is allowed. Accordingly, the instant petition is dismissed, as withdrawn.

4. However, it is made clear that this order is being passed in peculiar facts and circumstances of the case, and it shall not be treated as precedent in future.
Pending application(s), if any, stands disposed of."

Whereas, the petitioner has submitted her representation in this office on 24.9.2022 and has given four stations of her choice i.e. GSSS Kaned/GSSS Hatgarh/GMS Chalouni/GSSS Mandi District Mandi but posts of TGT(NM) all these schools had already been filled up. However, the petitioner was called for personal hearing on 6.10.2022 and she has submitted her fresh representation in this office vide which she has requested to adjust/transfer her stations nearby Sundernagar District Mandi. At present no post of TGT(NM) is not lying vacant in nearby Sundernagar. However, the petitioner again asked to attend the personal hearing on 23.1.2023 but she did not attend the same.

From perusal of record, it has been found that the petitioner has been working at GSSS Meharidhar District Mandi w.e.f. 8.03.2019 and has completed three years stay. The aforesaid school falls in soft area and petitioner is not entitled for transfer to the station of her choice. Moreover, TGT(NM) is State Cadre post and the incumbents supposed to serve anywhere in the State as per requirement and administrative exigency. At present 108 students are studying in GSSS Meharidhar District Mandi. If the petitioner will be transferred from there the studies of students will suffer adversely. Therefore, after critical examination and thoughtful application of mind the request made by the petitioner is hereby rejected on administrative ground and in larger public interest. The representation of the petitioner is disposed of accordingly.

**Director
Elementary Education,
HP Shimla
Feb,2023**

Endst:No:-EDN-H(2)B(6)1-18/2022-(NM)-dated, Shimla-1

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

1. The Distt. Attorney (Edu.) Directorate of Elementary Education, Shimla, H. P.
2. The Deputy Director of Education Mandi (H.P.)
3. The Principal, GSSS Mehridhar District Mandi (H.P.)
4. (Regd.) Smt. Anita Chaudhari, W/o Atul Chauhan, R/O Rapu , Post Office Jugahan Tehsil Sundernagar District Mandi, H.P.
5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla
6. Guard file.



**Director
Elementary Education,
HP Shimla**

**DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI SHIMLA**

Dated- Shimla-171001, the Feb, 2023

ORDER

In the matter of:

CWP No. 7671/2022 titled as Yamuna Devi Vs. State of H.P. & Others.

Whereas, Smt. Yamuna Devi, TGT(NM) preferred CWP No. 7671/2022 titled as Yamuna Devi Vs. State of H.P. before the Hon'ble High Court of H.P. regarding her transfer from GMS Jhalwari u/c GSSS Jangla District Shimla to the station near to her native place. The above writ petition was listed before the Hon'ble High Court, Himachal Pradesh on 3.11.2022 when the Hon'ble High Court has passed the following orders:-

" It is the case of the petitioner that she has completed her normal tenure at the present place of posting at GMS Jhalwari under complex GSSS Jangla, Tehsil Rohru, District Shimla, Himachal Pradesh and she is eligible for transfer under the Government polic. Learned counsel for the petitioner states that the petitioner shall make a fresh representation to respondent No 2- the Director of Elementary Education, Himachal Pradesh, in her own name.

2. In the circumstances, we dispose of this petition by permitting the petitioner to make a representation to respondent No. 2. If such representation is made within one week from today, the same shall be decided expeditiously and not later than within weeks from the date of receipt of the representation.

3. The writ petition to stand disposed of in the above terms, so also the pending miscellaneous application(s), if any."

Whereas, petitioner has submitted her representation in this office on 17.11.2022 and she has given two stations of her choice. The petitioner was called for personal hearing on 23.01.2023 and she attended the same. At the time of personal hearing has requested to adjust her at the station near to her native place as her husband is also Government employee and working in GSSS Dehar District Mandi as Lecturer in higher Education department. She also requested that her husband is Physically challenged person with disability to the extent of 64% and she has given two stations of her choice i.e. GBSSS Bilaspur Distt. Bilaspur and GHS Parnali u/c GSSS Bandla District Bilaspur.

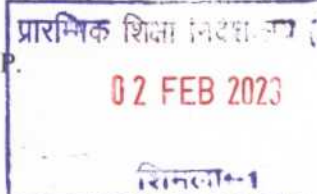
From perusal of record, it has been found that the petitioner has been working at GMS Jhalwari u/c GSSS Jangla District Shimla w.e.f. 21.11.2019 and has completed more than three years stay. The aforesaid school falls in soft area and petitioner is not entitled for transfer to the station of her choice. Moreover, TGT(NM) is State Cadre post and the incumbents supposed to serve anywhere in the State as per requirement and administrative exigency. At present 19 students are studying in GMS Jhalwari u/c GSSS Jangla District Shimla. If the petitioner will be transferred from there the studies of students will suffer adversely. Therefore, after critical examination and thoughtful application of mind the request made by the petitioner is hereby rejected on administrative ground and in larger public interest. The representation of the petitioner is disposed of accordingly.

**Director
Elementary Education,
HP Shimla
Feb,2023**

Endst:No:-EDN-H(2)B(6)1-18/2022-(NM)-dated, Shimla-1

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

1. The Distt. Attorney (Edu.) Directorate of Elementary Education, Shimla, H. P.
2. The Deputy Director of Education Shimla/Bilaspur (H.P.).
3. The Principal, GSSS Jangla District Shimla /GSSS Bandla Distt. Bilaspur (H.P.)
4. (Regd.) Smt. Yamuna Devi, W/O Shri Madan Singh R/O House No. 70, Raura Sector 2



5. Bilaspur, H.P.
The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla .
6. Guard file.

25
Director
Elementary Education,
HP Shimla



**DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI SHIMLA**

Dated- Shimla-171001, the 17 Jan, 2023

ORDER

In the matter of:


CWP No. 4451/2022 titled as Raj Kumar Vs. State
of H.P. & Others.

Whereas, Sh. Raj Kumar, TGT (NM) preferred CWP No. 4451/2022 titled as Raj Kumar Vs. State of H.P. before the Hon'ble High Court of H.P. regarding his transfer from GSSS Sanwal District Chamba(hard area/sub-cadre area) to the station of his choice. The above writ petition was listed before the Hon'ble High Court, Himachal Pradesh on 6.07.2023 when the Hon'ble High Court has passed the following orders:-

" 4. Accordingly, without advertting to the merits of the case, this writ petition is disposed of with a direction that in case the petitioner moves a fresh representation to the respondents, in terms of the transfer policy, dated 10th July,2013, within a week from today, then respondents shall dispose of the same within two weeks of the receipt of the representation, in accordance with law. Pending application(s), if any, also stand disposed of."

Whereas, petitioner has submitted his representation in this office on 11.7.2022 but all the stations of his choice had already been filled up. However, the petitioner was called for personal hearing on 13.10.2022 and he attended the same. He was again called for personal hearing on 23.01.2023 and he attended the same. At the time of personal hearing he requested that he has completed more than three years stay in his present place of posting which is a hard/sub-cadre area of District Chamba. He further requested that he may be transferred to the stations of his choice either against vacancy or longer stayee i.e. GMS Dhar Tilla u/c GHS Dhar Dangar District Kangra against vacancy being caused due to retirement in near future/GSSS Kareri Distt. Kangra/GMS Rajol u/c GSSS Kotla Distt. Kangra/GMS Godw u/c GSSS Nagrota Bagwan Distt. Kangra/GSSS Rajiana Distt. Kangra.

From perusal of record, it has been found that the petitioner has been working at GSSS Sanwal District Chamba(hard/sub-cadre area) w.e.f. 11.03.2019 and has completed more than three years stay. One Sh. Ramneesh Kumar, TGT(NM) is working in GSSS Kareri District Kangra since 19.06.2015 and has completed more than seven years stay. He never served in hard/sub-cadre area. Keeping in view, the above facts and circumstances, the case of the petitioner for transfer is considered sympathetically and he is hereby transferred without TTA/JT from GSSS Sanwal Distt. Chamba to GSSS Kareri District Kangra vice Sh. Ramneesh Kumar TGT(NM) & vice-versa, with TTA/JT to Sh. Ramneesh Kumar, TGT(NM). The representation of the petitioner is disposed of accordingly.


**Director
Elementary Education,
HP Shimla
Jan,2023**

Endst:No:-EDN-H(2)B(6)1-18/2022-(NM)-dated, Shimla-1

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

1. The Distt. Attorney (Edu.) Directorate of Elementary Education, Shimla, H. P.
2. The Deputy Director of Education Chamba/Kangra at Dharamshala (H.P.).
3. The Principal, GSSS Sanwal District Chamba /GSSS Kareri Distt. Kangra (H.P.)
4. (Regd.) Sh. Raj Kumar, S/O Shri Jagdish Chand R/O Vill. & P.O. Rajiana 53 Miles, Tehsil Nagrota Bagwan District Kangra, H.P.

5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla.

6. Guard file.

Director
Elementary Education,
HP Shimla

प्रारम्भिक शिक्षा निदेशालय, हि.प्र.
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