

ORDER

In the matter of: CWP No : 7774 / 2022-Rajesh Kumari Vs. State of Himachal Pradesh & others.

Smt. Rajesh Kumari, TGT (Arts) has filed CWP No. 7774/2022-before the Hon'ble High Court of H.P. regarding transfer from GHS Dhewa, District Kangra. The case was listed on 07.11.2022, when the Hon'ble High Court has passed the following order :-

" The petitioner has made a representation (Annexure P-2) to respondents No.2-the Director Elementary Education, Himachal Pradesh. The learned counsel for the petitioner states that the petitioner would be content if the said representation (Annexure P-2) is decided in a time-bound manner.

In the circumstances, we dispose of this petition by directing respondent No.2 to decide the aforesaid representation of the petitioner (Annexure P-2) expeditiously and not later than four weeks from today.

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

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Smt. Rajesh Kumari, TGT(Arts) was called for personal hearing and appeared before the undersigned on dated 23.01.2023. At the time of personal hearing she has submitted representation vide which she stated that she is 40% physically disabled and her husband is working as TGT (Arts) is also disabled. She has further stated that there is no bus facility for school.

From the perusal of record, it is found that Smt. Rajesh Kumari, TGT (Arts) is working in GHS Dhewa, Distt. Kangra since 19.04.2021 on contract basis (1st appointment) and has not completed normal tenure at her present place of posting. Moreover, as per para 5.3 of the comprehensive Guiding Principles-2013 " As far as possible Officers/Officials with 60% and above physical disability should be given stations of their choice in the circumstances where it is absolutely not possible subject to vacancy they should at least be given postings on road heads or convenient stations where bus service is available. Smt. Rajesh Kumari, TGT(Arts) is 40 % physically disabled, as per medical certificate issued by the Chief Medical Officer Kangra at Dharamshala. Keeping in view the position stated above, representation of petitioner i.e Smt. Rajesh Kumari, TGT(Arts) cannot be considered at this stage. However, if the petitioner is moved out of the school as per her request, the students will be left to their fate and will adversely suffer in terms of their study. Hence, request made by the petitioner is hereby rejected on administrative ground and in large public interest and disposed of accordingly.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the January, 2023

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 7774/2022.
2. The Deputy Director of Elementary Education, Kangra at Dharamshala, H.P.
3. The Headmaster GHS Dhewa, District Kangra.
4. Smt. Rajesh Kumari, TGT(Arts) GHS Dhewa, District Kangra, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.



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DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

ORDER

In the matter of: CWP No: 8371/2022-Joginder Kumar Vs. State of Himachal Pradesh.

Sh. Joginder Kumar, TGT(Arts) has filed CWP No. 8371/2022-before the Hon'ble High Court of H.P. regarding transfer from GSSS Lohardi, District Kangra. The case was listed on 02.12.2022, when the same has been disposed of with the following order :-

"" Accordingly, without adverting to the merits of the case, we deem it appropriate to dispose of the writ petition with a direction to respondent No.2, Director of Elementary Education, Himachal Pradesh, to dispose of the representation of the petitioner dated 4.10.2022 (Annexure P-3), in accordance with law, within a period of two weeks from the date of receipt of the copy of this order.

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

To come up for compliance, to come up on 10.03.2023."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Joginder Kumar, TGT (Arts) was called for personal hearing and appeared before the undersigned on 27.01.2023. At the time of hearing he has submitted representation vide which he stated that he has completed more than three years tenure in Sub cadre area and requested for transfer from GSSS Lohardi District Kangra to GHS Gopalpur / GSSS Chachian/ GSSS Jia /GSSS Dadh, District Kangra.

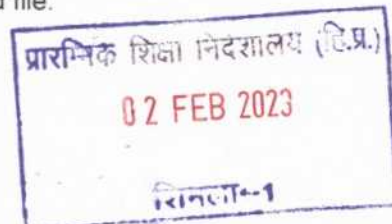
From the perusal of record, it is found that Sh.Joginder Kumar, TGT (Arts) is working at GSSS Lohardi (Sub Cadre) District Kangra since 03.05.2019 and has completed normal tenure at his present place of posting. At present 185 students are studying in GSSS Lohardi, District Kangra. Keeping in view the position stated above, representation of petitioner i.e Sh. Joginder Kumar, TGT (Arts) cannot be considered at this stage. However, if the petitioner is moved out of the school as per his request, the students will be left to their fate and will adversely suffer in terms of their study. Hence, request made by the petitioner is hereby rejected on administrative ground and in large public interest and disposed of accordingly.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the January, 2023

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 8371//2022.
2. The Deputy Director of Elementary Education, Kangra at Dharamshala, H.P.
3. The Principal/ Headmaster GSSS Lohardi, Distrit Kangra, H.P.
4. Sh. Joginder Kumar, TGT(Arts) GSSS Lohardi, District Kangra, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.



DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

ORDER

In the matter of: CWP No: 8501/2022-titled as Onkar Singh Vs. State of Himachal Pradesh.

Sh. Onkar Singh , TGT(Arts) has filed CWP No. 8501/2022- before the Hon'ble High Court of H.P. regarding transfer from GSSS Kewar, District Shimla. The case was listed on 07.12.2022, when the same has been disposed of with the following order :-

" Accordingly, without adverting 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 respondent No.2, in terms of the transfer policy, dated 10th July, 2013, within a week from today, then respondent No.2 shall dispose of the same within two weeks of the receipt of the representation, in accordance with law.

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

To come up for compliance on 17th March, 2023."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Onkar Singh, TGT(Arts) was called for personal hearing and appeared before the undersigned on 27.01.2023. At the time of personal hearing he has submitted representation vide which he stated that he has completed normal tenure in Sub cadre/hard area and requested for transfer from GSSS Kewar, District Shimla to GSSS Darini/ GSSS Boh/ GHS Bhaled/ GSSS Sehwan/GMS Ramerh u/c GSSS Tang Narwana, District Kangra.

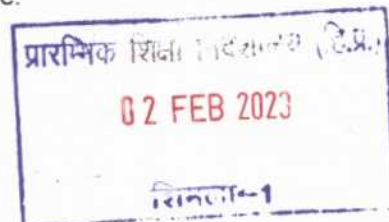
From the perusal of record, it is found that Sh. Onkar Singh, TGT (Arts) is working at GSSS Kewar (Sub Cadre) District Shimla since 18.11.2019 and has completed normal tenure at his present place of posting. At present post of TGT (Arts) is lying vacant at GSSS Darini, District Kangra. Keeping in view the position stated above, representation of petitioner i.e Sh. Onkar Singh, TGT (Arts) is considered sympathetically and he is hereby transferred from GSSS Kewar (Sub Cadre) District Shimla to GSSS Darini, District Kangra, against vacancy. The representation of the petitioner is disposed of accordingly.

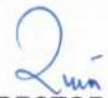
DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the January, 2023

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 8501/2022.
2. The Deputy Director of Elementary Education, Shimla/ Kangra, H.P.
3. The Principal/ Headmaster GSSS Kewar (Shimla) GSSS Darini (Kangra).
4. Sh. Onkar Singh, TGT(Arts) GSSS Kewar, District Shimla, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.




DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

ORDER

In the matter of: CWP No : 8831/2022- Om Sawrup Vs. State of Himachal Pradesh & others.

Sh. Om Sawrup, TGT (Arts) has filed CWP No: 8831/2022- before the Hon'ble High Court of H.P. regarding transfer from GSSS Jhina, District Shimla. The case was listed on 23.12.2022, when the Hon'ble High Court has passed the following order :-

" Accordingly, without going into the merits of the case, we dispose of the present writ petition by permitting the petitioner to make a fresh representation to respondent No.2. If such representation is made within one week from today, the same shall be decided by respondent No.2 not later than six weeks from the date of receipt of the representation. Pending miscellaneous application (s), if any, also to stand disposed of."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Om Sawrup, TGT(Arts) was called for personal hearing and appeared before the undersigned on 23.01.2023. At the time of personal hearing he has submitted representation vide which he stated that he has completed more than four years tenure at the present place of posting and requested for transfer from GSSS Jhina District Shimla to GSSS Fatehpur/GSSS Samlet /GMS Kangeri u/c GSSS Makroli, District Kangra, against vacancy.

From the perusal of record, it is found that Sh. Om Sawrup, TGT (Arts) is working in GSSS Jhina, District Shimla w.e.f 29.08.2018 and has completed more than four years tenure at the present place of posting. There are two sanctioned post of TGT (Arts) in GSSS Jhina out of which one post of TGT (Arts) is lying vacant and one post of TGT NM /Medical is also vacant. If Sh. Om Sawrup, TGT (Arts) is transferred to any of above mentioned schools on his request the studies of students in GHS Jhina will be adversely affected as there would be no TGT left in the school. Moreover, the petitioner is working in soft area and he is not entitled for transfer to choice station despite the fact that TGT (Arts) is State Cadre post and the incumbents are supposed to serve anywhere in the State in the exigencies of the service. Keeping in view, the above facts and circumstances, the case of the petitioner for transfer can not be considered at this stage on administrative ground and on large public interest. Hence, request made by the petitioner is hereby rejected. The representation of the petitioner is disposed of accordingly.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the January, 2023

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 8831/2022.
2. The Deputy Director of Elementary Education, Shimla, H.P.
3. The Principal GSSS Jhina, District Shimla, H.P.
4. Sh. Om Sawrup, TGT (Arts) GSSS Jhina, District Shimla, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.



DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

ORDER

In the matter of: CWP No: 8450/2022-Manjula Kumari Vs. State of Himachal Pradesh.

Smt. Manjula Kumari, TGT (Arts) has filed CWP No. 8450/2022-before the Hon'ble High Court of H.P. regarding transfer from GHS Pukhru District Kangra. The case was listed on 28.12.2022, when the same has been disposed of with the following order :-

" In the given facts and circumstances, we deem it appropriate the dispose of the instant writ petition by directing the respondents to consider and decide the said representation in accordance with law within a period of four weeks . Ordered accordingly. Pending application (s) if any, also stands disposed of ."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Smt. Manjula Kumari, TGT (Arts) was called for personal hearing and appeared before the undersigned on 30.01.2023. At the time of hearing she has submitted representation vide which she stated that she has completed four years tenure at her present place of posting and she is facing many climatic problems during rainy and winter season. She has requested for transfer from GHS Pukhru (Kangra) to GSSS Ichhi/ GHS Deharian/ GHS Halerkalan, District Kangra.

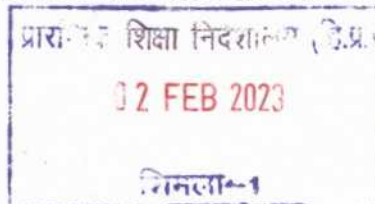
From the perusal of record, it is found that Smt. Manjula Kumari, TGT(Arts) is working at GHS Pukhru, District Kangra since 18.01.2019 and has completed normal tenure at her present place of posting. GHS Pukhru falls in soft area of District Kangra and she is not entitled for transfer to choice station despite the fact that TGT (Arts) is State Cadre post and the incumbents are supposed to serve anywhere in the State. Keeping in view the position stated above, representation of petitioner i.e Smt. Manjula Kumari, TGT (Arts) can not be considered at this stage. However, if the petitioner is moved out of the school as per her request, the students will be left to their fate and will adversely suffer in terms of their study. Hence, request made by the petitioner is hereby rejected on administrative ground and in large public interest. The representation of the petitioner is disposed of accordingly.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the January, 2023

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 8450/2022.
2. The Deputy Director of Elementary Education, Kangra at Dharamshala, H.P.
3. The Principal/ Headmaster GHS Pukhru, District Kangra, H.P.
4. Smt. Manjula Kumari, TGT(Arts) GHS Pukhru, District Kangra, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.



DIRECTOR
Elementary Education
Himachal Pradesh, Shimla