

ORDER

In the matter of: CWP No: 8774/2022-Kamlesh Kumari Vs. State of Himachal Pradesh.


Smt. Kamlesh Kumari, TGT(Arts) has filed CWP No. 8774/2022-before the Hon'ble High Court of H.P. regarding transfer from GSSS Manal Dochi, District Sirmour. The case was listed on 21.12.2022, when the same has been disposed of with the following order :-

" Learned Counsel for the petitioner leave to withdraw the present petition. The petition is allowed to be withdrawn. We, however, direct respondent No.2-Director of Elementary Education to decide the representation of the petitioner, dated 14.11.2022 (Annexure P-2), at the earliest.

The petition to stand disposed of accordingly. 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 Smt. Kamlesh 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 17years tenure at GSSS Manal Dochi, District Sirmour, which falls in sub cadre area of District Sirmour. She has requested for transfer from GSSS Manal Dochi, District Sirmour to GSSS Sainj / GSSS Ludhiana /GSSS Sangrah/ GSSS Haripurdhar / GGSSS Nahan, District Sirmour.

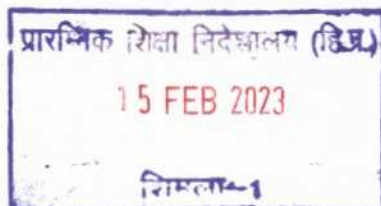
From the perusal of record, it is found that Smt. Kamlesh Kumari, TGT(Arts) is working at GSSS Manal Dochi, District Sirmour since 21.02.2006 on PTA basis and her services were regularized on 31.08.20. She has completed normal tenure at her present place of posting. At present students enrolment is 129 in GSSS Manal Dochi, District Sirmour. If the petitioner is moved out from the school as per her request, the students will be left to their fate and will adversely suffer in terms of their study. Keeping in view the position stated above, representation of petitioner i.e Smt. Kamlesh Kumari, TGT(Arts) can not be considered at this stage. Moreover, TGT (Arts) is State Cadre post and the incumbents are supposed to serve anywhere in the State. 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.

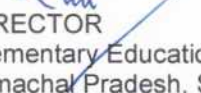

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No.Even dated, Shimla-1, the February, 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. 8774/2022.
2. The Deputy Director of Elementary Education, Sirmour at Nahan, H.P.
3. The Principal GSSS Manal Dochi, District Sirmour, H.P.
4. Smt. Kamlesh Kumari, TGT(Arts) GSSS Manal Dochi, District Sirmour, H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.




DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

No.EDN-H(2)B(6)1-18/2020-21 (Court Case)
Directorate of Elementary Education
Himachal Pradesh Lalpani , Shimla-1
Dated: Shimla-171001 the, Feb.2023

ORDER

In the matter : CWP No.342/ 2023 titled as Shivani Sood ,TGT (Med) VS State of H.P. & others.

The Petitioner, Smt. Shivani Sood,TGT (Med), filed CWP No. 342/2023 titled as, Shivani Sood, versus State of H.P. before the Hon'ble High Court of H.P.regarding her transfer from GSSS Sudhrani Distt. Mandi to his choice of station after the completion of required tenure as per policy. The case of the petitioner was listed before the Hon'ble High Court, Shimla-2 on 13th January,2023 when after hearing the matter, the Hon'ble High Court has disposed of the same with the following directions / order.

Accordingly ,without advertng to the merits of the case the petition is disposedof with a direction to respondent No.2 to dispose of the representation (Annexure P-4) dated 26-03-2022, moved by the petitioner expeditiously in accordancy with law ,preferably within three weeks from the date of receipt of copy of this order."

As per direction of the Hon'ble High Court the petitioner was called for personal hearing on dated 09th february,2023. The petitioner attended the personal hearing on scheduled date and time. During personal hearing the petitioner requested that he may be adjusted any of the following school:-

1. GSSS Chadiar(KGR)
- 2.GSSS Gunehar,Dsitt. Kangra.
- 3.GHS Panjan u/c GSSS Jogindernagar Distt. Mandi.
4. BRCC Upper Primary Baijnath,Dsitt. Kangra.

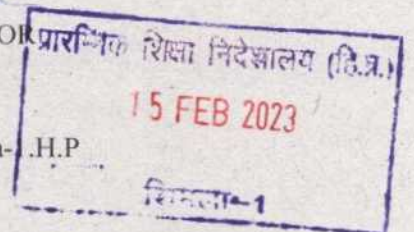
From the perusal of the record, it reveals that Smt. Shivani Sood,TGT(Med), has been working in GSSS Sudhrani Distt Mandi since 13th October,2018 (which fall under soft area) and has completed her normal tenure as per provision contained in "Comprehensive guiding Principles-2013" for regulating the transfer of State Government employees.Transfer to a particular place of choice cannot be claimed as a matter of right. However, being a Govt. employee and that too in a State cadre request of the petitioner is not tenable. At present 41 students are studying at GSSS Sudharani Dsitt. Mandi, if the petitioner moved out from the school as per her request the students will suffer in terms of their study.Hence, request made by the petitioner is herby rejected on administrative ground and in large public interest.The representation of the petitioner is disposed of accordingly.

Endst. No. Even Dated Shimla-171001.

Copy for information is forwarded to:

- 1 The Distt.Attorney (Edu.) Directorate of Elementary Education Shimla-1.H.P.
- 2 The Deputy Director of Elementary Education, Mandi H.P.
3. The Principal / Headmaster
4. The Nodal Officer Directorate of Elementary Education Shimla,H.P.

DIRECTOR
Feb.2023.



DIRECTOR