

DIRECTORATE OF ELEMENTARY EDUCATION  
HIMACHAL PRADESH, LALPANI SHIMLA.

Dated- Shimla-171001, the April, 2021.

In the matter of: CWP. No. 776/2021-titled as Paramjeet Patyal, TGT (NM)  
Vs. State of H.P. & Others.

Whereas, Sh. Paramjeet Patyal, TGT (NM) GSSS Shilla Distt. Shimla has filed CWP No. 776/2021-titled as Paramjeet Patyal TGT (NM) Vs. State of H.P. before the Hon'ble High Court of H.P regarding transfer from GSSS Shilla Distt. Shimla soft area after completion of normal tenure to Distt. Mandi. The case of the petitioner was listed before the Hon'ble High Court Himachal Pradesh on 16.02.2021, when after hearing the matter the Hon'ble High Court has directed as under:-

"Considering these submissions, the Principal GSSS Shilla, Tehsil Chopal, District Shimla is directed to transmit the representation of petitioner to respondent No.2 henceforth for consideration. In addition, petitioner is also at liberty to file a fresh detailed representation before the Director, Elementary Education, Himachal Pradesh directly on or before 25th February, 2021. Petition stands disposed of accordingly including any pending application(s)."

In compliance to the directions of the Hon'ble High Court the petitioner attended personal hearing on 18.03.2021 and submitted his representation. He has requested that he may kindly be adjusted in Block Gopalpur Distt. Mandi or GMS Dadu u/c GSSS Badwani (Hmr) or GHS Banal (Hmr) or GHS Rewar (Mnd) or GMS Panyali u/c GSSS Chandesh (Mnd) being caused due to promotion of TGTs.

On the perusal of the record, it is found that the petitioner is working in GSSS Shilla Distt. Shimla since 18.11.2016 which is in soft area and he has completed his normal tenure at his present place of posting.

The petitioner is a TGT (NM) which comes under state cadre post and can be posted anywhere in the state as per requirement. The petitioner in his representation has specified for his adjustment in Block Gopalpur Distt. Mandi or GMS Dadu u/c GSSS Badwani (Hmr) or GHS Banal (Hmr) or GHS Rewar (Mnd) or GMS Panyali u/c GSSS Chandesh (Mnd). However as per transfer policy there is no such provision that allows a government employee serving in soft area to specify five stations of his choice for adjustment. However, it is gathered from the record placed before me that post of TGT (NM) is lying vacant in GMS Bhoot (Bali Dhar) u/c GSSS Machoti Distt Shimla since 22.07.2018 and 09 of students are studying in this school. Due to non-availability of TGT (NM) is the said school students are suffering adversely.

Keeping in-view the dire need of teachers in GMS Bhoot (Bali Dhar) u/c GSSS Machoti Distt Shimla the petitioner viz: Sh. Paramjeet Patyal, TGT (NM) is hereby adjusted in GMS Bhoot (Bali Dhar) u/c GSSS Machoti

Distt Shimla against vacancy with TTA/JT. Representation of the petitioner is disposed of accordingly.

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DIRECTOR

April, 2021

Endst:No:-EDN-H(2)B(6)1-18/2021-(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 (H.P.).
3. The Principal GSSS Shilla / Machoti Distt. Shimla H.P.
4. (Regd.) Paramjeet Patyal, TGT (NM) GSSS Shilla Distt. Shimla
5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla
6. Guard file.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

08 APR 2021

शिमला-1

DIRECTOR

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DIRECTORATE OF ELEMENTARY EDUCATION  
HIMACHAL PRADESH, LALPANI SHIMLA.

Dated- Shimla-171001, the April, 2021.

In the matter of: CWP. No. 1234/2021-titled as Ashwani Kumar, TGT (NM)  
Vs. State of H.P. & Others.

Whereas, Sh. Ashwani Kumar, TGT (NM) who is u/t from GMS Kathiyara u/c GSSS Garli Distt. Kangra to GMS Hinner u/c GSSS Gaura Distt. Solan has filed CWP No. 1234/2021 titled as Ashwani Kumar, TGT (NM) Vs. State of H.P. before the Hon'ble High Court of H.P. regarding his transfer/adjustment in Distt. Hamirpur or Distt. Una. The case of the petitioner was listed before the Hon'ble High Court Himachal Pradesh on 02.03.21, when after hearing the matter the Hon'ble High Court has directed as under:-

"The nature of order, we propose to pass in the present petition, requires no response. The claim of the petitioner is that his wife is also a government employee and in terms of Clause 5.4 of the Transfer Policy, he can be adjusted closer to the place of her posting. 2. Given above, the petitioner is directed to make a representation in this regard to respondents No.1 and 2/competent authority within a week from today, who shall consider and decide the same within two weeks thereafter. Till decision of the representation, in case the petitioner is not relieved, the impugned office order dated 24.02.2021, Annexure P-1, qua the petitioner, shall remain stayed. 3. Consequently, the present petition stands disposed of in the above terms, so also pending miscellaneous application(s), if any."

In compliance to the directions of the Hon'ble High Court the petitioner attended personal hearing on 01.04.2021 and submitted his representation wherein he has requested that he may kindly be adjusted in Distt. Hamirpur and Distt Una against vacancy. Furthermore, the petitioner has relied upon the provisions contained in 5.4 of the transfer policy. For the sake of convenience para ibid, is reproduced below:-

" In case wife and husband are working under State Govt, efforts should be made to post them at one place or near places subject to availability of vacancy."

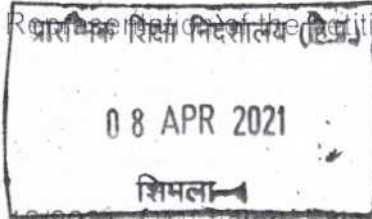
From perusal of record it has been noticed that the petitioner is a TGT (NM) which comes under state cadre post and can be posted anywhere in the state as per requirement. The petitioner in his representation has specified for his adjustment in Distt. Hamirpur or in Distt. Una. However, as per transfer policy there is no such provision that allows a government employee serving in soft area to specify stations of his choice for adjustment. Transfer and posting of a particular place can not be claimed as a matter of right. Transfer of employee is with in the domain of the employer. The petitioner has sought relief in view of his adverse family circumstances. However, so far as the family or personal problems are concerned every employee has to manage his problem at his level and to make arrangement to perform duty as per requirement of service.

As per record placed before me shows that post of TGT (NM) is lying vacant in GMS Shattal u/c GSSS Nerwa Distt Shimla since June

2018 and 25 students are studying in this school . Due to non-availability of TGT (NM) in the said school students are suffering adversely.

In-view of above the petitioner is hereby adjusted in GMS Shattal u/c GSSS Nerwa Distt. Shimla against vacancy with TTA/JT where there is dire need of teacher i.e. TGT NM.

प्रार्थना के निवेदन पर विचार किया गया है।



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DIRECTOR  
April, 2021

Endst.No:-EDN-H(2)B(6)1-16/2021-(NMI)-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 Kangra/ Solan / Shimla (H.P.).
3. The Principal GSSS Garli (Kgr)/ Goura (Sln) / Nerwa (Sml) H.P.
4. (Regd.) Sh. Ashwani Kumar, S/o Amin Chand R/O Village Rihala P.O. Didwin Tikkar Distt. Hamirpur H.P.
- ✓ 5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla .
6. Guard file.

DIRECTOR

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

Dated- Shimla-171001, the

April, 2021.

In the matter of: CWP. No. 1395/2021-titled as Rakesh Kumar, TGT (NM)  
Vs. State of H.P. & Others.

Whereas, Sh. Rakesh Kumar TGT (NM) GSSS Bechar Ka Bag Distt. Sirmour has filed CWP No. 1395/2021-titled as Rakesh Kumar TGT (NM) Vs. State of H.P. before the Hon'ble High Court of H.P regarding transfer from GSSS Bechar Ka Bag Distt. Sirmour soft area afer completion of normal tenure to Bhoranj Block (Hmr) or Gopalpur (Mnd) or Ghumarwin (Blp). The case of the petitioner was listed before the Hon'ble High Court Himachal Pradesh on 06.03.2021, when after hearing the matter the Hon'ble High Court has directed as under:-

"The petitioner pleads that his representation dated 03.02.2021 may be disposed off, as early as possible. 2. In view of the submissions made, the respondents are directed to dispose off the representation vide Annexure P-2, dated 03.02.2021, in accordance with law, within a period of two weeks from today. 3. The writ petition is disposed off accordingly.

On the perusal of the record, it is gathered, that the petitioner is working in GSSS Bechar Ka Bag Distt. Sirmour since 15.11.2016 and has completed his normal tenure at his present place of posting. GSSS Bechar Ka Bag Distt. Sirmour falls in a soft area. Vide representation Annexure P-2, dated 03.02.2021 it has been requested by the petitioner that he may kindly be adjusted in GMS/ GSSS/ GHS in Education Block Bhoranj Distt. Hamirpur or Gopalpur Distt. Mandi or Ghumarwin Distt. Bilaspur.

From perusal of record it has been noticed that the petitioner is a TGT (NM) which is a state cadre post and can be posted anywhere in the state as per requirement. The petitioner in his representation has specified for his adjustment in above mentioned institutions. However, as per transfer policy there is no such provision that allows a government employee serving in soft area to specify stations of his choice for adjustment. Transfer and posting of a particular place can not be claimed as a matter of right. Transfer of employee is with in the domain of the employer. The petitioner has sought relief in view of his adverse family circumstances. However, so far as the family or personal problems are concerned every employee has to manage his problem at his level and to make arrangement to perform duty as per requirement of service.

As per record placed before me shows that post of TGT (NM) is lying vacant in GSSS Jhagtan Distt Shimla since 06.07.2019 and 38 students are studying in this school. Due to non-availability of TGT (NM) in the said school studies of students are suffering adversely.

In-view of above the petitioner is hereby adjusted in GSSS Jhagtan Distt. Shimla against vacancy with TTA/JT where there is dire need of teacher i.e. TGT NM.

Representation of the petitioner is disposed of accordingly.

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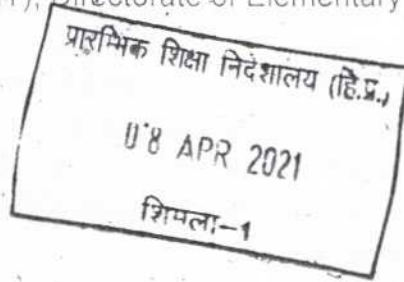
DIRECTOR

April, 2021

Endst.No:-EDN-H(2)B(6)1-18/2021-(NM)-dated, Shimla-1

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1. The Distt. Attorney (Edu.) Directorate of Elementary Education, Shimla, H. P.
2. The Deputy Director of Education Sirmour / Shimla (H.P.).
3. The Principal GSSS Bechar Ka Bag (Smr) / Jhagtan (Sml) H.P
4. (Regd.) Sh. Rakesh Kumar, TGT (NM) GSSS Bechar Ka Bag Distt. Sirmour H.P.
- ✓ 5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla .
6. Guard file.



DIRECTOR