

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

November, 2023

ORDER

In the matter of: CWP No: 9197/2023-titled as Swarn Lata, TGT (Arts) V/s. State of Himachal Pradesh (Regarding Transfer).

Smt. Swarn Lata, TGT (Arts) has filed CWP No. 9197/2023 in the Hon'ble High Court of Himachal Pradesh, seeking the relief to the extent that the petitioner may be transferred from GMS Chaunri u/c GSSS Kuddu, District Shimla to station of her choice. The case was listed before the Hon'ble High Court of H.P. on 22-11-2023, when the same has been disposed of. The operative portion of the Hon'ble Court order/judgement is as under:-


"...this court directs Respondent No. 2-Director of Elementary Education Government of Himachal Pradesh to examine/consider the representation of the petitioner dated 03-10-2023, Annexure P-1 and to pass appropriate orders within four weeks, after giving a personal hearing to the petitioner.

Needless to say that, this court has not adverted to the merits of the matter and all Question of facts and law are left open.

In the aforesaid terms, the instant writ petition, as well as, pending miscellaneous applications(s), if any, shall also stand disposed of, accordingly."

In compliance to the Hon'ble High Court of Himachal Pradesh, the petitioner Smt. Swarn Lata, TGT (Arts) was called for personal hearing and appeared before the undersigned on 28-11-2023. On this day, petitioner has submitted her representation and stated that she has completed normal tenure at her present place of posting and has requested for transfer from GMS Chaunri u/c GSSS Kuddu, District Shimla either to GHS Chakmoh Distt. Hamirpur against vacancy being caused due to retirement on 30-11-2023/GSSS Daslehra, Distt. Bilaspur/GSSS Loharli Distt. Hamirpur against vacancy.

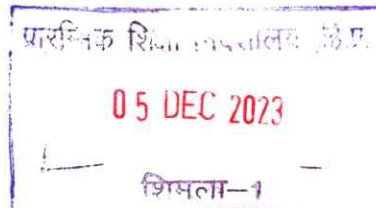
From the perusal of record, it is found that Smt. Swarn Lata, TGT (Arts) is working at GMS Chaunri u/c GSSS Kuddu, District Shimla since 12-10-2017 and has completed normal tenure at her present place of posting. There are two sanctioned post of TGTs (Arts=1 & NM=1) in GMS Chaunri u/c GSSS Kuddu, District Shimla out of which one post of TGT (NM) is already lying vacant. If Smt. Swarn Lata, TGT (Arts) is transferred to any of above mentioned schools on her request the studies of students in GMS Chaunri u/c GSSS Kuddu, District Shimla will be adversely affected as there would be no TGT left in the school. Moreover, the petitioner is working in soft area and she is not entitled for transfer to choice station despite the fact that TGTs is State Cadre post and the incumbents are supposed to serve anywhere in the State. Keeping in view, the above facts and circumstances, the case of the petitioner for transfer can not be considered at this stage. 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 November, 2023

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

1. The Secretary (Education) to the Govt. of Himachal Pradesh, Shimla-2
2. The District Attorney (Edu.) Dte. of Elementary Edu. w. r. t. CWP No. 9197/2023.
3. The Deputy Director of Elementary Education, Shimla, H.P.
4. The Principal, GSSS Kuddu, Distt. Shimla, H.P.
5. Smt. Swarn Lata, TGT (Arts) GMS Chaunri u/c GSSS Kuddu, District Shimla H.P.
6. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
7. The Guard file.




DIRECTOR
Elementary Education
Himachal Pradesh, Shimla