

No: EDN-H(2)B(6)1-18/2024(A)-Court Case  
Directorate of Elementary Education,  
Lalpani-Shimla-1 Himachal Pradesh.  
Dated Shimla-171001 the

March, 2024

**ORDER**

In the matter of: CWP No: 1299/2024-titled as Sandeep Bharti V/s State of Himachal Pradesh (Regarding Transfer).

Sh. Sandeep Bharti, TGT (Arts) has filed CWP No. 1299/2024 titled as Sandeep Bharti V/s State of H.P. in the Hon'ble High Court, and seeking his transfer from GMS, Sharmala u/c GSSS Mahori District Shimla to GSSS, Nandrool, GSSS, Rajal, GSSS, Paisa, GMS, Dadoli u/c GSSS, Lunj District Kangra, against vacancy. The case was decided before the Hon'ble High Court of H.P. on 27-02-2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under :-

8. "In the entirety of the facts and circumstances, referred to above, this Court disposes of the writ petition by directing respondent No.2-Director, Elementary Education, Himachal Pradesh, to consider/examine the representations dated 20.10.2023 {Annexure P-2} and 14.01.2024 {Annexure P-3 (colly)}, in terms of Clauses 12, 15 and 16 of the transfer Policy, as referred to above, and also in view of the mandate of law passed by the Hon'ble Supreme Court in Shilpi Bose (Mrs.) and others versus State of Bihar and others, 1991 Supp (2) SCC 659 and State of U.P and others versus Gobardhan Lal, (2004) 11 SCC 402 and then to pass appropriate orders in the matter within two weeks from today.

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Sandeep Bharti, TGT (Arts) has attended the personal hearing on 20.03.2024 and submitted fresh representation and stated that his mother is under treatment at Fortis Hospital at Kangra and there is none in the family to look after her so he requested that he may be transfer either GSSS, Nandrool, GSSS, Rajal, GSSS, Paisa, GMS, Dadoli u/c GSSS, Lunj District Kangra, against vacancy.

From the perusal of record, it is found that Sh. Sandeep Bharti, TGT (Arts) is working at GMS, Sharmala u/c GSSS Mahori District Shimla since 22.02.2021 (Soft area) and has completed normal tenure at his present place of posting. One post of TGT (Arts.) is lying vacant in GSSS, Paisa (Kgr.).

Keeping in view the position stated above, representation of the petitioner i.e Sh. Sandeep Bharti, TGT (Arts) is considered sympathetically and petitioner is hereby transferred from GMS, Sharmala u/c GSSS Mahori Distt. Shimla to GSSS Paisa District Kangra, against vacancy, without TTA/JT. The representation of the petitioner is disposed of accordingly.

**DIRECTOR  
Elementary Education  
Himachal Pradesh, Shimla**

Endst No.Even dated, Shimla-1, the March, 2024

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 Ele. Edu. w. r. t. CWP No. 1299/2024.
3. The Deputy Director of Elementary Education, Shimla, H.P.
4. The Principal, GSSS Paisa, District Kangra/GSSS Mahori Distt. Shimla H.P.
5. Smt. Sandeep Bharti, TGT (Arts) GSSS Mahori, District Shimla, H.P.
6. The Nodal Officer (IT) internal, Dte. of Elementary Education, Shimla-1
7. Guard file.

प्रारम्भिक शिक्षा निदेश  
23 MAR 2024  
शिमला-1

**DIRECTOR  
Elementary Education  
Himachal Pradesh, Shimla**

EDN-H(2)B(6)1-18/2022-23 (Court Case)

Directorate of Elementary Education

Himachal Pradesh Lalpani, Shimla-1

Dated: Shimla-171001 the, March, 2024

**ORDER.**

In the matter : CWP No. 2332/2024 titled as Surekha, TGT(Med) VS State of H.P. & others.

The Petitioner, Smt. Surekha, TGT(Med) filed CWP No. 2332/2024 titled as, Smt. Surekha, TGT (Med) Vs State of H.P. before the Hon'ble High Court of H.P. against her transfer from GHS Bagthal (SML) to GSSS Banuna Distt Shimla. The case of the petitioner was listed before the Hon'ble High Court, Shimla-2 on 20<sup>th</sup> March, 2024, when after hearing the matter, the Hon'ble High Court has disposed of the same with the following directions/ order:-

*" Though, on merits, the petitioner has not made out a any case for interference in the impugned transfer order, yet keeping in view her health condition and personal difficulty, the petitioner is permitted to make a representation to respondent No.2 within three days from today and on receipt of such representation, respondent No.2 shall decide the same sympathetically within one week thereafter by passing of a reasoned order. Till final decision on the representation of the petitioner is taken, the impugned order of transfer shall remain stayed. It is clarified that if no representation is submitted by the petitioner within three days, the order shall cease to have effect. Pending applications, if any, also stand disposed of."*

As per direction of the Hon'ble High Court the petitioner submitted her representation to the undersigned, in which she has requested that she may be adjusted against vacancy in GSSS Sarog Distt. Shimla. The petitioner has further stated that she has undergone treatment from Sofat Infertility & Women Care Centre Ludhiana.

From the perusal of the record, it reveals that Smt. Surekha, TGT, (Med) was transferred from GHS Bagthal (SML) to GSSS Banuna Distt. Shimla with the prior approval of the competent authority after completion of her normal tenure at the present place of posting. I find it appropriate to transfer the petitioner to GSSS Sarog Distt. Shimla against vacancy without TTA/JT. With these observations the representation of the petitioner is considered and disposed of accordingly.

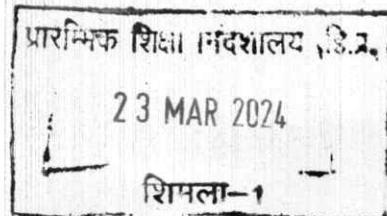
DIRECTOR

March, 2024.

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 Shimla, H.P.
- 3 The Principal/Headmaster GHS Bagthal (SML) /GSSS Banuna/GSSS Sarog Distt. Shimla
4. The Nodal Officer Directorate of Elementary Education Shimla, H.P.
- 5.. Guard file.



DIRECTOR