

No.EDN-H(2)B(6)1-18/2022-23 (Court Case)

Directorate of Elementary Education

Himachal Pradesh Lalpani , Shimla-1

Dated: Shimla-171001

the,

May.2024

In the matter :

CWP No.3373/2024 titled as Pankaj Kumar, TGT(Med) Vs state of H.P. & others .

The Petitioner, Sh. Pankaj Kumar, TGT(Med), filed CWP No.3373/2024 titled as Pankaj Kumar, Vs State of H.P. before the Hon'ble High Court of H.P. regarding his transfer from GSSS Baat Distt. Chamba(which falls under sub cadre area) 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 26th May,2024, when after hearing the matter, the Hon'ble High Court has disposed of the same with the following directions/ order:-

"Learned Counsel for the petitioner submits that the petitioner submits that the petitioner has filed a representation dated 27-03-2024(Annexure P-4) with the respondent-Department and his petition be disposed of by directing the competent authority to take appropriate decision thereupon within some time bond period.

This writ petition is accordingly disposed of with the direction that the representation filed by the petitioner be decided in light of the avernebts made therein within a period of four weeks from today. Pending miscellaneous application(s), if any also stand disposed of accordingly."

As per direction of the Hon'ble High Court the petitioner was called for personal hearing on dated 07th May,2024. The petitioner attended the personal hearing on scheduled date and time .During personal hearing he has requested that he may be adjusted in GHS Bari/GSSS Punner/GSSS Dehori/GSSS Moonndhi /GSSS Pahra Distt. Kangra against vacancy or by clubbing of previous stay. .

From the perusal of the record, it reveals that Sh.Pankaj Kumar, TGT (Med), is presently working in GSSS Baat Distt. Chamba(which falls under sub cadre area) since 29th January ,2021, has completed his normal tenure at present place of posting. I find it appropriate to transfer the petitioner to GSSS Punner Distt. Kangra vice Smt. Anjana Jariyal, TGT(Med) with TTA/JT . With these observations the representation of the petitioner is considered and disposed of accordingly.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

13 MAY 2024

शिमला-1

DIRECTOR

Endst. No. Even Dated Shimla-171001. May.2024.

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, Kanga/Chamba.
- 3 The Principal / Headmaster GSSS Punner Distt. Kangra /GSSS Baat Distt. Chamba.
4. The Nodal Officer Directorate of Elementary Education Shimla, H.P.

DIRECTOR

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

08th May, 2024

ORDER

In the matter of: CWP No. 1841/2024-titled as Shivani Kaushal V/s State of Himachal Pradesh and others (Regarding Transfer).

Smt. Shivani Kaushal, TGT (Arts) has filed CWP No. 1841/2024 titled as Shivani Kaushal V/s State of H.P. in the Hon'ble High Court, and seeking her transfer from GSSS, Chango (Tribal Area) District Kinnaur either to GHS, Chakmoh, GMS Tarkawari, GSSS, Patta, GHS Nahlwin, GSSS, Jhiralri, GSSS, Dhanoghat Distt. Hamirpur against vacancy. The case was listed before the Hon'ble High Court of H.P. on 12.03.2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

"Annexure P-1 appended with the petition demonstrates that such a representation has already been made by the petitioner through proper channel and the same sands forwarded to Director of Elementary Education Lalpani Shimla by the Principal of concerned School, accordingly, this writ petition is disposed of with the direction that let the representation that stands made by the petitioner be now decided positively within a period of six weeks from today and taking into consideration the fact that she has already served in a tribal area for three years, she be transferred to a station convenient to her and preferably in her home District. Pending miscellaneous application, if any, also stand disposed of."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Smt. Shivani Kaushal, TGT (Arts) has attended the personal hearing on 07.05.2024 and stated that she has completed normal tenure at her present place of posting in Tribal area and has requested for transfer either to GHS, Chakmoh, GMS Tarkawari, GSSS, Patta, GHS Nahlwin, GSSS, Jhiralri, GSSS, Dhanoghat Distt. Hamirpur, against vacancy.

From the perusal of record, it is found that Smt. Shivani Kaushal, TGT (Arts) is working at GSSS, Chango Distt. Kinnaur (Tribal Area) since March 2021 and has completed normal tenure at her present place of posting. At present the posts of TGT (Arts) are not lying vacant in the above mentioned school. There is only one post of TGT (Arts) is lying vacant in District Hamirpur i.e. GMS, Beri u/c GSSS, Jangal Beri Distt. (Hmr.).

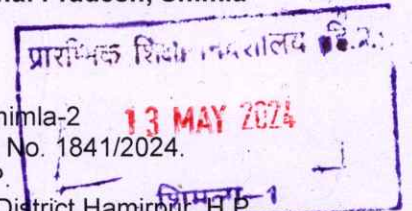
Keeping in view the position stated above, representation of the petitioner i.e Smt. Shivani Kaushal, TGT (Arts) is considered sympathetically and petitioner is hereby transferred from GSSS, Chango (Tribal Area) District Kinnaur to GMS, Beri u/c GSSS, Jangal Beri Distt. (Hmr.) against vacancy. The representation of the petitioner is disposed of accordingly.

**DIRECTOR
Elementary Education
Himachal Pradesh, Shimla**

Endst No.Even dated, Shimla-1, the 08th May, 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 Elementary Edu. w. r. t. CWP No. 1841/2024.
3. The Deputy Director of Elementary Education, Kinnaur/Hmr, H.P.
4. The Principal, GSSS Chango Distt. Kinnaur/GSSS Jangal Beri, District Hamirpur, H.P.
5. Smt. Shivani Kaushal, TGT (Arts) GSSS, Chango Distt. Kinnaur, H.P.
6. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
7. The Guard file.



**DIRECTOR
Elementary Education
Himachal Pradesh, Shimla**

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

13th May, 2024

ORDER

In the matter of: CWP No. 3506/2024-titled as Sunita Devi, TGT (Arts) V/s State of Himachal Pradesh (Regarding Transfer).

Smt. Sunita Devi, TGT (Arts) has filed CWP No. 3506/2024 titled as Sunita Devi V/s State of H.P. in the Hon'ble High Court, as she is u/t from GSSS, Jhiralri District Hamirpur to GMS, Lamlehra u/c GSSS, Charatgarh Distt. Una vice Sh. Piar Chand Distt. (Una.) and now seeking her adjustment at GSSS, Tauni Devi Distt. (Hmr.) GSSS, Jol Sappar (Hmr.), GSSS, Chabutra Distt. (Hmr.) GSSS, Bhumpal (Hmr.) vice longer stayee by clubbing their previous stay. The case was decided before the Hon'ble High Court of H.P. on 29.04.2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under :-

"The petition is disposed of with the direction to respondent No.2 to consider and decide the representation of the petitioner (Annexure P-6) within one week from today. Till the final decision on the representation of the petitioner (Annexure P-6) is taken, the impugned transfer order shall remain in abeyance."

In compliance to the Hon'ble High Court of Himachal Pradesh order/judgment dated 29.04.2024, petitioner has submitted her fresh representation and stated that she was a war widow and have two children also who are studying nearby the station. Moreover, later she married to Mr. Bachitar Singh, who is suffering from numerous serious ailments and is undergoing regular treatment at Tanda Distt. Kangra. So, she requested to adjust her either in GSSS, Tauni Devi Distt. (Hmr.), GSSS, Jol Sappar (Hmr.), GSSS, Chabutra Distt. (Hmr.) GSSS, Bhumpal (Hmr.) vice longer stayee by clubbing their previous tenure, in view of her family circumstances.

From the perusal of record, it is revealed that Smt. Sunita Devi, TGT (Arts) is under transfer from GSSS, Jhiralri Distt. (Hmr.) to GMS, Lamlehra u/c GSSS, Charatgarh Distt. Una vice Sh. Piar Chand TGT (Arts). At present post of TGT (Arts) are not lying vacant in the above mentioned schools, however one Smt. Anjana Devi, TGT (Arts) is working in GSSS Chabutra, District Hamirpur since 07.11.2022 and having short stay, but serving within the radius of 30 Kilometers, be considered stay/tenure at one station & such services will be clubbed for calculation of tenure purpose of transfers.

Keeping in view the position stated above, representation of petitioner Smt. Sunita Devi, TGT (Arts) is considered sympathetically and she is hereby adjusted at GSSS, Chabutra Distt. Hamirpur vice Smt. Anjana Devi, TGT (Arts) and vice versa by clubbing her previous place of postings within the radius of 30 Km. (with TTA/JT to Smt. Anjana Devi). Therefore, representation of the petitioner with the present CWP is disposed of accordingly.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No. Even dated, Shimla-1, the

13th May,

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. 3506/2024
3. The Deputy Director of Elementary Education, Una/Hamirpur H.P.
4. The Principal, GSSS Charatgarh Distt. Una /GSSS Chabutra, District Hamirpur, H.P.
5. Smt. Sunita Devi, TGT (Arts) GSSS Chabutra, District Hamirpur H.P.
6. The Nodal Officer (IT) internal, Dte. of Elementary Education, Shimla-1.
7. Guard File.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

