

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




ORDER

In the matter of: CWP No. 4627/2024-titled as Suresh Kumar V/s State of Himachal Pradesh and others (Regarding Transfer).

In compliance of the order/judgment passed by the Hon'ble High Court of Himachal Pradesh dated 24.5.2024 in present case that the petitioner (Suresh Kumar, TGT (Arts) was called for personal hearing on 28-06-2024 and appeared before the undersigned on scheduled date. At the time of hearing he has submitted fresh representation and requested his transfer from GSSS, Giltari, Distt. Shimla to GHS Sakaryar u/c GSSS Kataula Sadar-2 Distt. Mandi against vacancy or against longer stayee mentioned in his representation dated 28.06.2024 by clubbing their previous posting tenure, being a couple case.

From perusal of the record it reveals that the petitioner Sh. Suresh Kumar, TGT (Arts) is working at GSSS Giltari (SML) since 25.02.2021 and has completed his normal tenure at present place of posting. At present one post of TGT(Arts) is lying vacant at GHS Sakaryar u/c GSSS Kataula Sadar-2 Distt. Mandi.


Keeping in view the position stated above, representation of petitioner Sh. Suresh Kumar, TGT (Arts) is considered sympathetically and he is hereby transferred from GSSS, Giltari, Distt. Shimla to GHS Sakaryar u/c GSSS Kataula Sadar-2 Distt. Mandi against vacancy on his own request. Therefore, representation of the petitioner with the present CWP is disposed of accordingly.

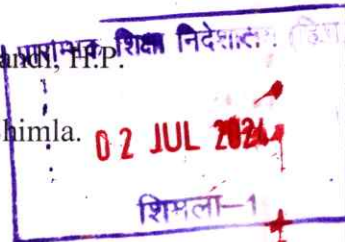

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla
July, 2024

Endst No.Even dated, Shimla-1, the

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. 4627/2024.
3. The Deputy Director of Elementary Education, Shimla/Mandi, H.P.
4. The Principal, GSSS, Giltari, Distt. Shimla / GSSS Kataula, Sadar-2, Mandi, H.P.
5. Sh. Suresh Kumar, TGT (Arts) GSSS, Giltar, Distt. Shimla, 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)1-18/2022-23(Court-Case)
Directorate of Elementary Education
Himachal Pradesh Lalpani , Shimla-1

In the matter : Dated: Shimla-171001 the, June.2024
CWP No.5013/2024 titled as Smt.Neeta Devi,TGT(Med)
Vs state of H.P. & others .

The Petitioner,Smt.Neeta Devi,TGT (Med),filed CWP No. 5013/2024 titled as, Smt.Neeta Devi,TGT,(Med) Vs State of H.P. before the Hon'ble High Court of H.P. regarding seeking her transfer from GHS Shivpur u/c G(M)SSS Bhawai Distt. Sirmour(which falls under Hard 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 31st June, 2024,when after hearing the matter, the Hon'ble High Court has disposed of the same with the following directions/ order:-

"Taking into consideration the above grievance this writ petition is disposed of by directing respondent No.2/competent authority to consider and decide the representation of the petitioner dated 19-02-2024(Annexure P-3,16-03-2024(Annexure P-4) and 8-04-2024 (Annexure P-5) in accordance with law and applicable decision so arrived at shall also be communicatewd to the petitioner.

The writ petition stands disposed of in the above terms,so also the pending miscellaneous application(s) if any."

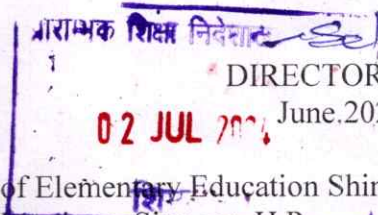
As per direction of the Hon'ble High Court the petitioner submitted her representation to the undersigned, in which she has requested that she may be adjusted in GHS Nandpur u/c GSSS Thathal /GHS Bane-Di-Hatti /GHS Baruhi/GSSS Kinnu Distt. Kangra against longer stay or by clubbing previous stay.The petitioner has further stated that her parents in law is old and suffering from various ailments. As such there is no one of the family to look after the old ailing parents-in law.

From the perusal of the record, it reveals that Smt. Neeta Devi,TGT (Med) is presently working in GHS Shivpur u/c GMSSS Bhawai Distt. Sirmour since 23rd Feburary,2021(which fall under hard area). At present there is no longer stayee in above said institution mention by the petitioner. Moreover, in GHS Shivpur u/c GMSSS Bhawai Distt. Sirmour 85 students are studying from class VI to X. In the interest of the student post of TGT(Med) cannot be kept vacant.Therefore, keeping in view of the position stated above ,the representation made by the petitioner can not be acceded to and hereby rejected and 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, Sirmour H.P.
- 3 The Principal/Headmaster GHS Shivpur u/c GMSSS Bhawai Distt. Sirmour
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

July, 2024

02 JUL 2024

शिमला-1

ORDER

In the matter of: CWP No: 5293/2024-titled as Kewal Singh V/s. State of Himachal Pradesh.

The petitioner has filed CWP No. 5293/2024 titled as Kewal Singh V/s State of H.P. in the Hon'ble High Court against his transfer order dated 19.06.2024 and seeking his adjustment from GSSS Nihalgarh (SMR) to GMS Dhab Pipli u/c GMSSS Sataun (SMR) against vacancy. The case was listed before the Hon'ble High Court of H.P. on 26.06.2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

"Accordingly, as agreed, this petition is disposed of with the direction that in the event of petitioner filing a representation within three days from today, for his adjustment at some other station, the same shall be sympathetically considered and decided by the Authority, within a period of one week as from the date of the receipt thereof. Till then the petitioner shall not be forced to join the station to which he stands transferred in terms of the impugned order."

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner i.e Sh. Kewal Singh, TGT (Arts) submitted the representation on dated 27.06.2024 wherein he stated that he was transferred from GSSS Nihalgarh (SMR) to GHS Siun u/c GSSS Sangrah (SMR) that is sub cadre area and he had already served in a hard area i.e. Dodra Kwar (Shimla), therefore requested to adjust at GMS Dhab Pipli u/c GMSSS Sataun (SMR) against vacancy.

From the perusal of record, it is found that Sh. Kewal Singh, TGT (Arts) is working at GSSS Nihalgarh (SMR) since 07.07.2023, but serving within the radius of 30 kilometers. The continuous services rendered by employees of Education Department within a radius of 30 Kms. be considered stay/tenure at one station & such services will be clubbed for calculation of tenure purpose of transfers. The petitioner has been serving within the radius of 30 kilometers despite the fact that TGT (Arts) is State Cadre post and the incumbents are supposed to serve anywhere in the State in the exigencies of the service.

Keeping in view, the above facts and circumstances, the case of the petitioner for adjustment is considered and hereby adjusted at GHS Thaina Basotri u/c GSSS Phagoo (SMR) (Soft Station) against vacancy, whereas 67 students (Aprx) studying, as the SMC of GHS Thaina Basotri has requested to fill the post of TGTs through their resolution dated 25.04.2024 as well as on CM helpline. The representation of the petitioner is disposed of accordingly.

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

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

1. The District Attorney (Edu) Dte. of Ele. Edu. w. r. t. CWP No. 5293/2024.
2. The Deputy Director of Elementary Education, Sirmour, H.P.
3. The Principal, GSSS Nihalgarh (SMR)/ GSSS Sangrah (SMR)/ GSSS Phagoo (SMR)
4. Sh. Kewal Singh, TGT (Arts), GSSS Nihalgarh (SMR)H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.

DIRECTOR

02 JUL 2024

शिमला-1

DIRECTOR