

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

प्रारम्भिक शिक्षा निदेशालय  
19 AUG 2024  
शिमला-1

**ORDER**

In the matter of: CWP No. 6628/2024-titled as Sanjeev Kumar V/s. State of Himachal Pradesh.

The petitioner has filed present CWP No. 6628/2024 titled as Sanjeev Kumar V/s State of H.P. in the Hon'ble High Court against his transfer order dated 08.7.2024. The case was listed before the Hon'ble High Court of H.P. on 12-07-2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

***“Representation be made within three days from today and same be decided within a period of two weeks. In the meantime, impugned order dated 08.07.2024, is stayed till a decision is taken on the representation, if filed within the aforesaid prescribed time.”***

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner Sh. Sanjeev Kumar, TGT (Arts) has attended the personal hearing on 12-08-2024 and has submitted representation, wherein requested to cancellation of his transfer order or adjust him at GSSS Devdhar (MND) vice Sh. Rakesh Kumar, on mutual basis, because he has already been served in hard area.

From the perusal of record, it is found that Sh. Sanjeev Kumar, TGT (Arts), is under transfer from GMS Sayora u/c GSSS Bhangrotu to GSSS Bhatkidhar (hard area), District Mandi. The petitioner is working at GMS Sayora u/c GSSS Bhangrotu (MND) since 03.09.2022, but serving within the radius of 30 Kms. since 2019 and has already been served in hard area at GSSS Ranol (SML). At present post of TGT (Arts) is lying vacant at GSSS Panjalag, Distt. Mandi, wherein 63 students are enrolled. As per provision contained in comprehensive guidelines Principles-2013 for regulating the transfer of State Government employees, it is specifically mentioned in Para 12.1 “all employees during their period of service will serve for at least single tenure in the Tribal/difficult/Hard area and remote/rural areas. Transfer to a particular place of choice cannot be claimed as a matter of right. It will be the discretion of the State Govt., to post/transfer any employee anywhere in the state, keeping in view of the administrative exigencies/convenience.”

Keeping in view the position stated above, representation of petitioner is considered and he is hereby adjusted at GSSS Panjalag (**Soft area**), Distt. Mandi against vacancy with TTA/JT. Therefore, representation of the petitioner with the present CWP is disposed of accordingly.

Endst No. Even dated, Shimla-1, the August, 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. 6628/2024.
2. The Deputy Director of Elementary Education, Mandi, H.P.
3. The Principal, GSSS Bhangrotu/Bhatakidhar/Panjalag, District Mandi
4. Sh. Sanjeev Kumar, TGT (Arts), GMS Sayora u/c GSSS Bhangrotu, District Mandi H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.

DIRECTOR  
प्रारम्भिक शिक्षा निदेशालय  
19 AUG 2024  
शिमला-1

DIRECTOR

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Directorate of Elementary Education,  
Lalpani-Shimla-1 Himachal Pradesh.  
Dated Shimla-171001 the

August, 2024

**ORDER**

In the matter of: CWP No. 5299/2024-titled as Ashwani Kumar V/s. State of Himachal Pradesh.

The petitioner has filed present CWP No. 5299/2024 titled as Ashwani Kumar V/s State of H.P. in the Hon'ble High Court vide which seeking his transfer from GSSS Jaral, District Mandi to GHS Bari, District Mandi, against vacancy being caused due to retirement of present incumbent on 31-10-2024. The case was listed before the Hon'ble High Court of H.P. on 11-06-2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under:-

“Learned counsel for the petitioner submits that the petitioner has filed representation Annexure P-1 with regard to the issues raised in the petition, but the same has not been decided by the Authority concerned till date. This petition, accordingly, as prayed for, is disposed of with the direction that let representation Annexure P-1 of the petitioner be decided, in the light of the averments made therein as well as the judgment being relied upon by the petitioner, within a period of six weeks’ by the Competent Authority. Pending miscellaneous applications, if any, also stand disposed of.”

In compliance to the aforesaid orders passed by the Hon'ble High Court of Himachal Pradesh, the petitioner Sh. Ashwani Kumar, TGT (Arts) has attended the personal hearing on 12-08-2024 and has submitted representation, wherein request to transfer him from GSSS Jaral, District Mandi to GHS Bari, District Mandi, against vacancy being caused due to retirement of present incumbent on 31-10-2024.

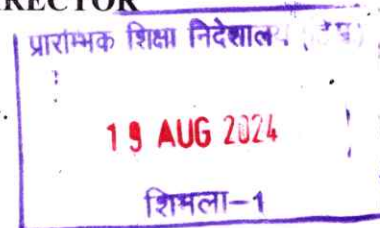
From the perusal of record, it is found that Sh. Ashwani Kumar, TGT (Arts) is working at GSSS Jaral, District Mandi since 14-11-2019 wherein the enrollment of students is 60 (Aprx.) and at present post of TGT (Arts) is not lying vacant at the schools given by the petitioner. As per provision contained in comprehensive guidelines Principles-2013 for regulating the transfer of State Government employees, it is specifically mentioned in Para 12.1 “All employees during their period of service will serve for at least single tenure in the Tribal/difficult/ Hard area and remote/ rural areas. Transfer to a particular place of choice cannot be claimed as a matter of right. It will be the discretion of the State Govt., to post/transfer any employee anywhere in the state, keeping in view of the administrative exigencies/convenience.” Therefore, being a State cadre Government employee, the request of the petitioner is not tenable and hereby rejected.

Endst No. Even dated, Shimla-1, the August, 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. 5299/2024.
2. The Deputy Director of Elementary Education, Mandi, H.P.
3. The Principal, GSSS Jaral, District Mandi
4. Sh. Ashwani Kumar, TGT (Arts), GSSS Jaral, District Mandi H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla.
6. The Guard file.

**DIRECTOR**



**DIRECTOR**