

**DIRECTORATE OF ELEMENTARY EDUCATION
HIMACHAL PRADESH, LALPANI SHIMLA**

Dated Shimla-171001, the

August, 2024

In the matter of: CWP No. 8296/2024 titled as Ajay Kumar, TGT (NM) Vs. State of H.P & ors.

Whereas, Sh. Ajay Kumar, TGT (NM) who is u/t from GMS Charew u/c GSSS Kaffota, Distt. Sirmour to GSSS Kamraau, Distt. Sirmour has filed CWP No. 8296/2024 titled as Ajay Kumar Vs. State of H.P. before the Hon'ble High Court of H.P regarding his transfer/adjustment in nearby his native place Distt. Kangra. The above writ petition was listed before the Hon'ble High Court Himachal Pradesh on 14.08.2024 when the Hon'ble High Court has passed the following orders:-

"3. Learned Additional Advocate General submits that the representation to be made by the petitioner shall be decided within a period of four weeks thereafter.

In view thereof, the present petition is disposed of, so also pending miscellaneous application, if any."

In compliance of the aforesaid orders of the Hon'ble High Court the petitioner submitted his representation in this office on 19.08.2024 vide which he has requested that he may be transferred/adjusted in Distt. Kangra, against vacancy/ longer stayee by clubbing his/her previous stay.

Whereas, from perusal of record, it has been found that the petitioner is under order of transfer from GMS Charew u/c GSSS Kaffota, Distt. Sirmour to GSSS Kamrau, Distt. Sirmour w.e.f. 05.06.2024 and has not completed three years stay at present place of posting. One Sh. Rajesh Kumar TGT (NM) is working in GMS Bhajleta u/c GSSS Aerla, Distt. Kangra since 20.06.2022. The petitioner has given willingness for his transfer to the aforesaid school against longer stay by clubbing his previous stay within radius of 30 Kms. Due to his medical ailment he is suffering from **Cholesteatoma and Modified Radical Mastectomy Surgery**. Keeping in view of the position stated above, the representation of the petitioner is considered sympathetically, and he is hereby transferred/adjusted without TTA from GSSS Kamrau, Distt. Sirmour to GMS Bhajleta u/c GSSS Aerla, Distt. Kangra, vice Sh. Rajesh Kumar, TGT (NM) against longer stay by clubbing his previous stay within radius of 30 Kms. with TTA/JT to Sh. Rajesh Kumar, TGT (NM). The representation of the petitioner is disposed of accordingly.

DIRECTOR

August, 2024

Endst: No:-EDN-H(2)B(6)1-18/2024-(NM)-dated, Shimla-1

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

1. The Distt. Attorney (Edu.) Directorate of Elementary Education, H.P. Shimla-1.
2. The Deputy Director of Elementary Education, Sirmour/Kangra, H.P.
3. The Principal, GSSS Kamrau, Distt. Sirmour /GSSS Aerla, Distt. Kangra, H.P.
4. (Regd.) Sh. Ajay Kumar S/o Shri Bhagwan Dass Sharma R/o VPO Sunhi, Tehsil Baroh, District Kangra, H.P.
5. The Nodal Officer (IT), Directorate of Elementary Education H.P. Shimla-1.
6. Guard file.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

27 AUG 2024

शिमला-1

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

August, 2024

ORDER

In the matter of: CWP No: 7669/2024-titled as Khushwant V/s State of Himachal Pradesh (Regarding Transfer).

The petitioner has filed present CWP No. 7669/2024 titled as Khushwant V/s State of H.P. in the Hon'ble High Court against his transfer order dated 30-07-2024. The case was listed before the Hon'ble High Court of H.P. on 02-08-2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgement is as under :-

"In the event of any such representation being filed by the petitioner within a period of one week from today, the Authority will decide the same within a period of two weeks from today, as from the date of the receipt thereof. Till then, the petitioner shall not be forced to join at the place to which she stands transferred. 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 Smt. Khunshwant, TGT (Arts) has attended the personal hearing on 23-08-2024 and has submitted representation, wherein requested to adjust her at GHS Lower Andoura (Una), GMS Dadoli u/c GSSS Lanj or GSSS Bari, Distt. Kangra, against vacancy.

From the perusal of record, it is found that Smt. Khushwant, TGT (Arts) is under transfer from GSSS Nalsuha (KGR) to GSSS Sunara (CBA), where she was working since since 03-10-2022 and having short stay, but serving within the radius of 30 kilometers since 2015 in soft area. There are three sanctioned post of TGT (Arts) in GSSS Sunara (CBA), out of which two posts of TGT (Arts) are already lying vacant.

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 above facts and circumstances, the case of the petitioner for adjustment/transfer can not be considered at this stage. Hence, request made by the petitioner is hereby rejected. Therefore, representation of the petitioner with the present CWP is disposed of accordingly.

DIRECTOR

Endst No.Even dated, Shimla-1, the

August, 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. 7669/2024.
3. The Deputy Director of Elementary Education, Chamba/Kangra, H.P.
4. The Principal, GSSS Nalsuha (KGR)/GSSS Sunara (CBA), H.P.
5. Smt. Khunshwant, TGT (Arts) GSSS Nalsuha, District Kangra, H.P.
6. The Nodal Officer (IT) internal, Dte. of Elementary Education, Shimla-1
7. Guard file.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

27 AUG 2024

शिमला-1

DIRECTOR

No: EDN-H(2)B(6)-18/2024(A)-Court Case

Directorate of Elementary Education,

Lalpani-Shimla-1 Himachal Pradesh.

Dated Shimla-171001 the

August, 2024

ORDER

In the matter of: CWP No. 7176/2024-titled as Kuldip Singh, TGT (Arts) V/s State of Himachal Pradesh (Regarding Transfer).

Sh. Kuldip Singh, TGT (Arts) has filed CWP No. 7176/2024 titled as Kuldip Singh, V/s State of H.P., and seeking his transfer from GMS Binna u/c GSSS Manhuta (CBA) to GSSS Rit, GHS Baduhi Khas, GHS Chowki u/c GSSS Ladori, GSSS Gheta or GMS Balkhora u/c GSSS Baranda against vacancy. The case was listed before the Hon'ble High Court of H.P. on 24-07-2024, on this day Hon'ble Court has passed order/judgment. The Operative portion of the present CWP judgment is as under:-

"Learned counsel for the petitioner submits that further detailed representation shall be made to the concerned quarter within three days from today.

Learned Additional Advocate General submits that the aforesaid representation(s) shall be considered and decided within two weeks from today. In view of aforesaid submission, present petition is disposed of. Pending miscellaneous application(s), 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 Sh. Kuldip Singh, TGT (Arts) has attended the personal hearing on 23-08-2024 and has submitted representation, wherein request to transfer from GMS Binna u/c GSSS Manhuta (CBA) to GSSS Rit, GHS Baduhi Khas, GHS Chowki u/c GSSS Ladori, GSSS Gheta or GMS Balkhora u/c GSSS Baranda against vacancy, in view of his domestic problems.

From the perusal of record, it is revealed that Sh. Kuldip Singh, TGT (Arts) is working at GMS Binna u/c GSSS Manhuta, District Chamba since 06-07-2021 and has completed normal tenure at present place of posting. One post of TGT (Arts) is lying vacant at GHS Chowki u/c GSSS Ladori, District Kangra, H.P.

Keeping in view the position stated above, representation of the petitioner i.e Sh. Kuldip Singh, TGT (Arts) is considered sympathetically and petitioner is hereby transferred from GMS Binna u/c GSSS Manhuta, District Chamba to GHS Chowki u/c GSSS Ladori, District Kangra, against vacancy, without TTA/JT, on his own request. Therefore, representation of the petitioner with the present CWP is disposed of accordingly.

DIRECTOR

Endst No. Even dated, Shimla-1, the

August, 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. 7176/2024.
3. The Deputy Director of Elementary Education, Chamba/Kangra, H.P.
4. The Principal, GSSS Manhuta (CBA)/GSSS Ladori (KGR), H.P.
5. Sh. Kuldip Singh, TGT (Arts) GMS Binna u/c GSSS Manhuta (CBA) H.P.
6. The Nodal Officer (IT) internal, Dte. of Elementary Education, Shimla-1.
7. Guard File.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)

27 AUG 2024

शिमला-1

DIRECTOR