

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

September, 2024

ORDER

In the matter of: CWP No. 8311/2024-titled as Rakesh Kumar V/s. State of Himachal Pradesh.

The petitioner has filed present CWP No. 8311/2024 titled as Rakesh Kumar V/s State of H.P. in the Hon'ble High Court vide which seeking his transfer from GHS Talehan u/c GSSS Bagasad, District Mandi to station mentioned in representation against vacancy or longer stayee. The case was listed before the Hon'ble High Court of H.P. on 14-08-2024, 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 with regard to the issue 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 of the petitioner be decided, in the light of the averments made therein a period of four 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. Rakesh Kumar, TGT (Arts) has attended the personal hearing on 10-09-2024 and has submitted representation, wherein request to transfer him from GHS Talehan u/c GSSS Bagasad District Mandi to GHS Kanjain, GSSS Jahu, GSSS Mundkhar or GMS Tarakwari u/c GSSS Bhoranj, District Hamirpur, against vacancy/longer stayee.

From the perusal of record, it is found that Sh. Rakesh Kumar, TGT (Arts) is working at GHS Talehan (soft area) District Mandi since 26-02-2021 wherein the enrollment of students is 27 (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.

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

Endst No. Even dated, Shimla-1, the September, 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. 8311/2024.
2. The Deputy Director of Elementary Education, Mandi, H.P.
3. The Principal, GSSS Bagasad, District Mandi
4. Sh. Rakesh Kumar, TGT (Arts), GHS Talehan, District Mandi H.P.
5. The Nodal Officer (IT) internal, Directorate of Elementary Education Shimla
6. The Guard file.

प्रारम्भिक शिक्षा निदेशालय (हि.प्र.)
16 SEP 2024
शिमला-1

DIRECTOR
Elementary Education
Himachal Pradesh, Shimla

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