No: EDN(SE)-H(7)-9/2025-TGT(Arts)-Court Case
Directorate of School Education
Lalpani-Shimla-1 Himachal Pradesh.
Dated Shimla-171001 the Oct., 2026 14 OCT 2026

ORDER

In the matter of:- CWP No. 16624/2026-titled as Rakesh Kumar, TGT (Arts) V/s. State of HP.

The petitioner Sh. Rakesh Kumar had filed present CWP No. 16624 of 2026 titled as Rakesh Kumar Vs State of HP & Ors. in the Hon'ble High Court HP, against his transfer order from GMS Sain Behal u/c GHS Kathalag Distt. Mandi to GSSS Thirot Distt. L&S issued on dated 18.9.2026. That the present CWP was listed before the Hon'ble High Court of H.P. on 23.9.2026, on this day Hon'ble Court has passed order.

The operative portion of the order is **"In view of the allegations leveled in the writ petition, operation of the impugned office order dated 18.09.2026 (Annexure P-1) shall remain stayed. Let learned Deputy Advocate General to have instructions about posting the petitioners at a place of their convenience/nearby places, if feasible, keeping in view the concessions granted to the couples in service of the State Government under the applicable transfer policy. In this regard, petitioners shall be at liberty to prefer a representation to respondent No.2 within three days from today, whereafter, the same shall be considered in accordance with law and applicable transfer policy within two weeks. In the process of consideration, opportunity of hearing be also provided to the petitioners. Instructions in that regard be placed on record by the respondents on the next date of hearing. List both these matters on 15.10.2026. Reply, if any, be filed in the meanwhile.**

In compliance with the directions passed by the Hon'ble High Court of Himachal Pradesh, the petitioner, Sh. Rakesh Kumar, TGT (Arts), was afforded an opportunity of personal hearing on 14.10.2026 and appeared before the undersigned. During the course of the hearing, the petitioner submitted a fresh representation stating that he is presently posted at GMS Sain Behal, under GHS Kathalag, District Mandi, and requested cancellation of his transfer orders on account of adverse family circumstances as well as couple case basis as per HP Govt. transfer policy. He submitted that his wife, Smt. Sunita Devi, Lecturer (School New) Hindi, has also been transferred to District Sirmaur, which is approximately 350 kilometers away from their native place. He further stated that his parents are suffering from various ailments and are undergoing treatment at Nerchowk, Mandi.

From the perusal of the record submitted by the concerned Deputy Director of School Education (Elementary), it is observed that Sh. Rakesh Kumar, TGT (Arts), has been serving at GMS Sain Behal, under GHS Kathalag, District Mandi, since 10.06.2024. It is further evident from the service record that he has been serving in schools situated within an approximate radius of 30 kilometers since 2019. His previous places of posting include (i) Government Middle School Tawarafi, under GSSS Pandoh, District Mandi, from 14.12.2020 to 10.06.2024, and (ii) Government Middle School Padhiun, under GHS Kathalag, District Mandi, from 29.06.2019 to 14.12.2020. Thus, the petitioner has not served in any hard or tribal area during his service career so far. It is also observed that Government Senior Secondary School, GSSS Panjahal Distt. Simrour, is situated in soft area of District Sirmour, where approximately 117 students are enrolled. Furthermore, in CWP No. 10255 of 2025, titled Bharti Rathour v. State of Himachal Pradesh, the Hon'ble High Court emphasized the need to ensure that every employee is posted to a sub-cadre or tribal area at least once during his or her service career and as per transfer policy Para 12.1 specifically provides that: "Transfer to a particular place of choice cannot be claimed as a matter of right."

Now, therefore, after due consideration of the facts and circumstances narrated above, the representation submitted by the petitioner has been examined and as per transfer policy clause 5.4 "concession to couples case" working under H.P. Government that Sh. Rakesh Kumar, TGT(Arts) who is under order of transfer from GMS Sain Behal u/c GHS Kathalag Distt. Mandi to GSSS Thirot Distt. L&S is hereby adjusted at GSSS Panjahal Distt. Sirmour (soft area) against vacancy, wherein 117 students are enrolled with TTA/JT in the larger interest of the students. However, the representation is hereby rejected and stands disposed of. All the concerned are intimated accordingly

DIRECTOR

Endst No. Even dated, Shimla-1, the Oct., 2026
Copy to the following for information and necessary action please:-

1. The District Attorney (Edu) Dte. of School Edu. w. r. t. CWP No. 16624/2026
2. The Deputy Director of School (Elem.) Education, Mandi/L&S/Sirmour, H.P.
3. The Principal/Headmaster, GHS Kathalag Distt. Mandi / GSSS Panjahal Distt. Sirmour
4. Sh. Rakesh , TGT Arts, posted at GMS Sain Behal u/c GHS Kathalag Distt. Mandi/Sirmour.
5. The Nodal Officer (IT) internal, with the directions to upload the order on official site of DSE.
6. Guard File.

DIRECTOR

14 OCT 2026