
(2010) 12 RAJ CK 0090
In the Rajasthan High Court
Case No : Civil Writ Petition No. 16278 of 2010

Anjna Sharma

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 13-12-2010

Acts Referred:

Citation : (2010) 12 RAJ CK 0090

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—Counsel submits that Petitioner is presently serving as Teacher Gr.III and posted at Govt. Upper Primary school, Kotdi (Kota), on being transferred at a distance of 70 kms vide order dt.26/09/2010 preferred appeal3743/2010 before the Tribunal wherein notices of appeal and stay application have been issued vide order dt.29/11/2010.

2. Counsel submits that Petitioner is suffering from disease of lumbar canal spine having severe problem in the back bone; due to which she is unable to stand and walk as is evident from MRI report (Ann.2) which shows that L3-4 to L5-S1 discs are hypo-intense on T2 weighted images suggesting to be degenerated and dehydrated and as a result of her ill health, it is difficult for the Petitioner to carry out the order. Counsel further submits that as regards her ill health the Tribunal however directed the Respondent authority to sympathetically consider representation which she had already submitted within two months; but in absence of interim order being passed, the challenge to the transfer order and opportunity afforded to represent on medical grounds to be considered by competent authority will remain an empty formality and there will be no option except to comply with the transfer order, which in the present scenario is impractical for her.

3. Without expressing any opinion on merits, but taking note of her ailment (supra), this Court considers it appropriate to keep transfer order dt.26/09/2010 qua Petitioner in abeyance till disposal of representation which she has already

submitted, for which it is expected from the authority to sympathetically consider within two months as directed by learned Tribunal vide order dt.29/11/2010 while issuing notices of appeal-3743/2010. However, the learned Tribunal will not be influenced by aforesaid order while considering the appeal on merits.

4. With the observations (supra), writ petition stands disposed of. A copy of this order be sent to the Tribunal.