
(2010) 09 UK CK 0115

In the Uttarakhand High Court

Case No : Writ Petition No. 822 (S/S) of 2010

Arvind Kumar Gupta

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 14-09-2010

Acts Referred:

Citation : (2010) 09 UK CK 0115

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S. Verma, J.—Supplementary affidavit filed by the petitioner is taken on record.

2. Heard Mr. Ramji Srivastava, learned Counsel for the petitioner and Mr. N.P. Shah, learned Standing Counsel appearing on behalf of the respondents.

3. By means of this petition the petitioner has sought the writ in the nature of mandamus commanding and directing the respondent authorities to give posting to the petitioner at the subsequent place of posting i.e. Govt. Girls Inter College, Rishikesh, District Dehradun, pursuant to the order dated 12-05-2010, Annexure No. 9 to the writ petition, passed by respondent No. 3.

4. According to the petitioner he is physically handicapped person and he got the job on the basis of reserved quota for handicapped persons. On 11-08-2009 respondent No. 1 passed the general transfer order, in which the petitioner was transferred to Govt. Inter College, Rani Pokhari, Narendra Nagar, Dehradun, Virbhadr, IDPL Rishikesh, Govt. Higher Secondary School, Pashulok or any place in District Haridwar, but the petitioner was not given posting pursuant to the aforesaid transfer order, due to non-availability of the vacancy, while the number of other persons, shown in the said transfer order, have been given postings to their respective transfer places. Again on 11.5.2010, the Additional Director School Education passed an order transferring the petitioner to any school situated at Haridwar and Raiwala Block, on the event of availability of vacant post. This order was also not effected.

5. Now the Additional Director School Education/respondent No. 3, vide impugned order dated 12.5.2010, recommended the transfer of the petitioner to Govt. Girls Inter College, Rishikesh, Dehradun, where the post is vacant. This order of recommendation has been made by Additional Director Education Garhwal Mandal Pauri to the Director, School Education Nanoorkheda, Dehradun. Since the impugned order is simply a recommendation, hence no mandamus can be issued at this stage, till the proposal of transfer is accepted by the Director and the State Government.

6. However, in the above facts and circumstances of the case, it would be proper to direct the respondent authorities to take decision on the recommendation dated 12.5.2010, Annexure No. 9 to the writ petition.

7. Therefore, the respondents 1 and 2 are directed to take a decision on the recommendation for transfer of petitioner, made by the respondent No. 3, and consider the case of the petitioner sympathetically, as he is a handicapped person and also looking to the fact that he has also been transferred earlier twice by the respondents, but he has not been accommodated for want of availability of vacancy. The respondents 1 and 2 shall take the decision on the recommendation within a period of two weeks from the date of production of certified copy of this order.

8. With the aforesaid directions, the petition is disposed of finally.