
(2024) 09 UK CK 0024

In the Uttarakhand High Court

Case No : Writ Petition Service Single No. 1650 Of 2024

Asha Kholiya

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 02-09-2024

Acts Referred:

Citation : (2024) 09 UK CK 0024

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Anil Kumar Joshi, Ramesh Chandra Joshi

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard.

2. By order dated 12.07.2024, petitioner was transferred from govt. Primary School Bairoli, Block Ramgarh (Nainital) to Govt. Primary School Mona Talla, Ramgarh (Nainital). Since she is not being relieved for the transferred place at the hands of respondents, therefore, she has knocked the doors of this Court.

3. By order dated 30.08.2024, instructions were called in the matter. Today, instructions dated 02.09.2024 have been supplied in the Court, which are taken on record, according to which, it is stated by learned State Counsel that if petitioner is relieved from the present place, there would be no teacher left in the school, hence she is not being relieved. It is further submitted by learned State Counsel, on the strength of instructions, that the process of recruitment of Assistant Teacher in Govt. Primary Schools is at the fag end which may conclude latest by 10-15 days. No sooner does some new teacher join in the school-in-question, the petitioner would be relieved.

4. Learned Counsel for petitioner contends that in the said institution, two teachers were earlier posted, one is petitioner and another is one Ms. Shobha

Negi, In-charge of the institution. There is nothing on record to suggest that Ms. Shobha Negi who has also been transferred from GIC Bairoli to GIC Jamrani (Ramgarh) has been relieved, and thus, the instructions brought by the State Counsel are not correct. However, the submission made by learned counsel for petitioner is not part of record and therefore, the same cannot be entertained by this Court.

5. Since the respondent-State has given a kind of undertaking that since new appointments would be made within 10-15 days after which the case of petitioner's relieving shall be considered, in this view of matter, the present petition is finally disposed of and is hereby closed with the observation that the petitioner shall be relieved for her transferred place within a period of 30 days from today, as soon as some new appointee joins in the school-in-question.

6. No order as to costs.

7. Pending application, if any, stands disposed of.