
(1996) 11 AHC CK 0147
In the Allahabad High Court
Case No : C.M.W.P. No. 30628 of 1996

Bankey Lal Maurya

APPELLANT

Vs

District Basic Education Officer and Others

RESPONDENT

Date of Decision : 18-11-1996

Acts Referred:

Uttar Pradesh Basic Education (Teachers) Service Rules, 1981 — Rule 21

Citation : (1996) 11 AHC CK 0147

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : Umesh Vats and B.P. Singh, for the Appellant; K.S. Shukla, for the Respondent

Final Decision : Dismissed

Judgement

M. Katju, J.—By means of this writ petition the Petitioner has challenged the impugned orders dated 29/30.6.1996, 18.8.1996 and 31.8.1996, Annexures 1, 3 and 5 to the petition by which the Petitioner has been transferred from Junior High School, Gaura Badshahpur Kshettra Samiti, Dharampur, District Jaunpur to Junior High School, Pesara.

2. In the supplementary affidavit filed in this case the Petitioner has alleged that Junior High School, Gaura Badshahpur Kshettra is within the Jurisdiction of an Urban local area whereas the school to which he has been transferred. i.e., Junior High School, Pesara is in a local rural area.

3. Learned Counsel for the Petitioner has urged that this transfer is in violation of 21 of the U.P. Basic Education (Teachers) Service Rules, 1981 which prohibits transfer of a teacher from a rural local area to an urban area or vice versa except on the request or with the consent of the teacher. In my opinion, there is no force in this submission, since the Junior High School, Gaura Badshahpur Kshettra Samiti is in a rural area as the Kshettra Samitis are in rural area. Hence it is a transfer from one rural area to another rural area, and there is no violation

of 21 of the Rules. Transfer is an exigency of service and this Court cannot interfere in such a matter. Petition is dismissed.