

(2017) 01 UK CK 0036
In the Uttarakhand High Court
Case No : 114 of 2017

Birendra Singh & Others

APPELLANT

Vs

State of Uttarakhand & Others

RESPONDENT

Date of Decision : 19-01-2017

Acts Referred:

Citation : (2017) 01 UK CK 0036

Hon'ble Judges : V.K. Bist

Bench : Single Bench

Advocate : V.S. Rawat, ?Jayvardhan Kandpal,? Paresh Tripathi, ?Vinod? Tiwari

Final Decision : Disposed

Judgement

1. Learned State Counsels produced the instructions.
2. Heard learned Counsel for the parties and perused the papers on record.
3. Petitioners have moved the present writ petition seeking direction in the nature of mandamus commanding the respondents to consider the case of petitioners for transfer from their present district of posting to their respective home district or nearby districts.
4. All the petitioners are presently posted as Assistant Teacher in different Government Schools in District Pithoragarh. They originally hail from the other districts of the State.
5. It is the case of the petitioners that despite availability of vacancies of the post of Assistant Teachers in their home districts or nearby districts, they are not being transferred there. It is further the case of the petitioners that similarly situated persons have been transferred from one district to another district by the respondents and, therefore, they are also entitled to be transferred from the present district to their respective home district.

6. It is the contention of learned counsel for the petitioners that all the petitioners have completed more than five years in their present posting and now they are entitled for inter district transfer.

7. Learned counsel for the petitioners prayed that petition be disposed of by directing the respondent no. 1 to take decision on the representations of the petitioners. Learned Chief Standing Counsel also agreed for the same and submitted that representations of the petitioners will be decided in accordance with law.

8. Considering the facts and circumstances of the case, respondent no. 1 is directed to consider the representations of the petitioners, contained as Annexure No. 5 to the writ petition, and decide the same, within one month from the date of producing the certified copy of this order along with the said representations, by passing a speaking order strictly in accordance with law and also keeping in view the availability of vacant posts of Assistant Teachers in the districts from where petitioners are seeking transfer. However, it is directed that it shall be ensured that in no case, the studies of the students suffer due to any such transfer of the petitioners.

9. With the directions as above, this petition stands disposed of finally.

10. Interim relief application (CLMA No. 613 of 2017) also stands disposed of.