
(1999) 10 AHC CK 0041

In the Allahabad High Court

Case No : Writ Petition No. 2303 (M/S.) of 1998

B.V.Singh

APPELLANT

Vs

Commissioner, Kendriya Vidyalaya Sangathan, New Delhi & Ors.

RESPONDENT

Date of Decision : 15-10-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 10 AHC CK 0041

Hon'ble Judges : S.H.A.Raza, J

Judgement

S. H. A. Raza, J.—The petitioner as well as his wife, both, are the employees of Kendriya Vidyalaya Sangathan. The petitioner is working as Post Graduate Teacher in Physics in Kendriya Vidyalaya, A.M.C., Lucknow while his wife is posted as Trained Graduate Teacher in Hindi at Hasimara, District Jalpaiguri, West Bengal. The petitioner wants his wife to be posted at Lucknow, may be for the reason that there are Government orders that as far as possible husband and wife should be posted in one district/at one place. In that regard the petitioner submitted application which was recommended by the Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Sector Aligaha Lucknow, but no orders have yet been passed by the Commissioner, Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi. Being aggrieved against the inaction of the opposite party the present writ petition praying for mandamus commanding the opposite parties to consider the transfer of the petitioner's wife to Lucknow from Hasimara (West Bengal) to any of the Kendriya Vidyalaya stated at Lucknow, has been filed.

2. Sri D.S. Randhawa, learned counsel appearing by behalf of the Commissioner, Kendriya Vidyalaya Sangathan raised two preliminary objections against the maintainability of this writ petition before this Bench, firstly, that the petition has been filed by the husband who wants his wife to be posted at Lucknow, the petition ought to have been filed by the wife herself, secondly, that the cause of action has not arisen at Lucknow office of the Commissioner Kendriya Vidyalaya Sangathan is situated at New Delhi, hence this writ petition is beyond the

territorial jurisdiction of this Court. Both the content" raised by Sri Randhawa are miscoiuoived. As jar as the first ground is concerned there are rules to the effect that as far as possible husband and wife should be posted at one| place in one district. Nonposting of the wife with the husband not only affects the matrimonial life but also results in so many great hardships. The petitioner undoubtedly is an aggrieved person and he cm maintain a writ petition due to nontransfer of his wife from West Bengal to Lucknow. The petitioner has submitted a representation to the Commissioner, Kendriya Vidyalaya Sangthan, New Delhi which was recommended and forwarded by the Principal, Kendriya Vidyalaya Lucknow. The said representation was preferred through proper channel and the Principal of the College recommended and forwarded the same. Besides the a boy the petitioner admittedly works at Lucknow and due to inaction on the part of the respondent his matrimonial life is being adversely effected at Lucknow. I am of the view that in view of the decision of Hon"ble Supreme Court in the case of Nasintddin v. State Transport Appellate Tribunal, AIR 1976 SC 331, a writ petition can be filed at Lucknow Bench.

3. I have heard Sri Anand Prakash Singh, Advocate, learned counsel for the petitioner, as well as Sri D.S. Randhawa. Sri Singh has referred to several court where in similar circumstances transfer orders have been passed by the Commissioner, Kendriya Vidyalaya Sangthan where one spoils has been transferred to the place of another spouse.

4. As the question involved in this writ petition is too trivial to drag on incessantly in this Court, after hearing the counsel for the parties I issue a writ in the nature of mandamus commanding the Respondent No. 1 to consider the representation of the petitioner and pass appropriate orders expeditiously say with in six months from the date of production of a certified copy of this order together with a copy of the representation before him.