
(2007) 01 RAJ CK 0127
In the Rajasthan High Court
Case No : Civil Writ Petition No. 5128 of 2005

Jameela Bano

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 18-01-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2007) 3 WLN 319(1)

Hon'ble Judges : H.R. Panwar, J

Bench : Single Bench

Judgement

H.R. Panwar, J.—By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the order dt. 04.07.2005 (Annex.-P/9).

2. Heard learned Counsel for the parties.

3. It is contended by the learned Counsel for the petitioner that the petitioner has been transferred from Government Upper Primary School, Gopaldwara Mandal, Distt. Bhilwara to Government Upper Primary School, Manak Chowk, Jahajpur, Distt. Bhilwara in pursuance of order dt. 31.10.2002 (Annex.-P/1) issued by the Additional Chief Executive Officer (Elementary Education), Bhilwara. Vide orders dt. 29.06.2005 (Annex.-P/8) and 04.07.2005 (Annex.-P/9), the petitioner was relieved to join her duties at Government Upper Primary School, Manak Chowk, Jahajpur, Distt. Bhilwara. Effect and operation of both the orders Annexure-P/8 and Annexure-P/9 have been stayed by this Court on 30.08.2005 and by virtue of that the petitioner continued at Government Upper Primary School, Gopaldwara, Mandal, Distt. Bhilwara. It appears from order Annexure-P/8 that the District Education Officer (Elementary Education), Bhilwara issued an order on 28.11.2002 for transferring certain teachers and that order was not executed till 29.6.2005 almost three years and abruptly, the petitioner was transferred by order Annexure-P/8 and relieved by order Annexure-P/9.

4. In my view, the petitioner has been alleged to continue at Government Upper Primary School, Gopaldwara Mandal, Distt. Bhilwara after 31.10.2002 for almost more than four years and therefore, it would not be expedite now to allow the order impugned to stand.

5. In this view of the matter, the orders Annexure-P/8 dt. 29.06.2005 and Annexure-P/9 dt. 04.07.2005 are quashed. However, it is made clear that if the respondents wish now to transfer the petitioner, they may pass a fresh transfer order.

6. With these observations, the writ petition is allowed. Stay petition stands disposed of. No order as to costs.