

(2021) 03 RAJ CK 0067
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4929 Of 2021

Khemraj Kalal

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 19-03-2021

Acts Referred:

Citation : (2021) 03 RAJ CK 0067

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Deepak Bora

Final Decision : Disposed Of

Judgement

Learned counsel for the petitioner, at the very outset, submits that the controversy raised in the instant writ application stands resolved in a batch of writ applications lead case being SBCWP Number 10232 of 2016: Smt. Rooplata Meena Versus State of Rajasthan & Ors., decided on 19th August, 2016.

It is further contended that for the present, the petitioner would be satisfied, if the State-respondents are directed to consider and decide the representation of the petitioner within a time frame, which he is ready and willing to address to them.

Counsel has also referred to the order dated 23rd August, 2016, made by a Coordinate Bench of this Court in the case of Vijay Kumar Lamba Versus State of Rajasthan & Ors., decided on 23rd August, 2016.

In the case of Smt. Rooplata Meena (supra), the batch of writ applications was decided with the directions, which read thus:

"(1) The petitioner/s would make a representation to the respondents raising his/her/their grievances against the order of posting. It would be by narrating ground for challenge of the posting.

The representation aforesaid would be submitted within a period of ten days from today along with certified copy of this order. The respondent department i.e. Secondary as well as Elementary Education would immediately notify the vacant posts in different schools and out of which, in which school they are in need of a Teacher. If a vacant post exists in the school, but looking to the strength of the students, the Teacher may not be required then while notifying the vacant post in the school, it would be made clear by the department that against any post or posts, they do not need additional hands. It is agreed that if the department finds that additional hands are not required in a particular school or against a post, then such posts would not be filled by transfer for a period of three months.

(2) The Teachers of Level II posted against the post of Level-I would be transferred back to their post immediately after getting the new recruits or on availability of the Teacher (Level-I). The said exercise would be undertaken vice-versa i.e. for transfer of Teachers Gr.III appointed on Level-I but transferred against the post of Level-II, if any.

(3) The department would post the Teacher against the post meant for specialised subject if their recruitment was in a particular subject or they are teaching the subject for years together. The Teacher of subject would be transferred to a post of the said subject only so that students may not suffer.

(4) While undertaking the exercise, the department may take into consideration the guidelines issued on 8th May, 2016 and 9th May, 2016. While applying the said guidelines, the effort would be to redress the grievances of the petitioner/s.

(5) The petitioner/s would be at liberty to indicate his/her/their choice of school other than it is notified by the respondents.

(6) If mutual transfer is sought then it would be dealt with by the department. The request can be accepted because in the case of mutual transfer, it would not affect any one which includes even the department.

The prayer for mutual transfer would be between the employees of same level of the post and set up apart from subject, if any.

(7) If the petitioner/s has/have already joined the post in pursuance of the orders under challenge, then his/her/their joining would not be taken adverse for disposal of the representation and carrying out the directions given.

(8) Apart from the issues referred above, if any other issue exists to seek change of the place of transfer, the petitioner/s would be at liberty to make a representation showing the ground for it like posting of husband and wife at one place, illness, disability, retirement in few months or any such similar ground.

(9) It is agreed that the representation would be considered by the department within a period of two months with necessary order."

As prayed, the instant writ proceedings are closed with a direction to the

petitioners to address a comprehensive representation enclosing a copy of the order in the case of Smt. Rooplata Meena (supra), within a period of two weeks hereinafter.

In case, a representation is so addressed within the aforesaid period, the State-respondents are directed to consider and decide the same by a reasoned and speaking order as expeditiously as possible in accordance with law. However, in no case later than four weeks from the date of receipt of the representation along with a certified copy of this order.

With the observations and directions, as indicated above, the writ application stands disposed of.

Stay petition also stands disposed of accordingly.