
(2012) 03 SHI CK 0279
In the High Court Of Himachal Pradesh
Case No : CWP No. 1080 of 2012-H

Mahipal Panwar

APPELLANT

Vs

State of H.P

RESPONDENT

Date of Decision : 06-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0279

Hon'ble Judges : Kurian Joseph, J; Dharam Chand Chaudhary, J

Bench : Division Bench

Judgement

Justice Kurian Joseph, C.J.—The petitioners are JBT teachers. They are aggrieved since they are not posted either in their home Districts or in the District where they are interested to work by retaining it as their home District. It is pointed out that after appointing the petitioners, the teachers who are far down in the list got appointed in their home Districts, whereas the petitioners had to go to other Districts. Learned Additional Advocate General and also the learned counsel appearing for the Board point out that once appointed, an employee can get transfer to home District or District of choice only against 1% quota. Though there cannot be any quarrel with that position or the principle, the facts of the instant cases travel on a different terrain altogether. It is a case of first posting and is not a case of transfer after few years of working in a particular District. According to the petitioners, vacancies are available either in their home District or where they want to work. If that be so, before the next recruitment and allotment is made operational, in case the petitioners could be accommodated in their home District or the District which they choose as their home District, we do not think that any substantial injustice will be caused to anybody or would there be any violation of the guidelines on inter District transfer since the resultant vacancies are in any case to be filled up by the new recruits.

2. We are informed that the following is the vacancy position:

1. Chamba. 70

2. Kangra. 49

3. Kinnaur. 15

4. Lahaul & Spiti. 23

5. Mandi. 55

6. Shimla. 96

7. Solan. 30

8. Una. 88

3. There are no vacancies of JBT teachers in other Districts.

4. In the above circumstances, these writ petitions are disposed of as follows: 1. In the event of any of the petitioners making a representation for posting against any of the vacancies in the Districts, referred to above, the same shall be considered favourably and orders in that regard shall be passed within two weeks from the date of the receipt of a copy of the representation along with the copy of this judgment.

2. In case any of the petitioners makes a representation against any vacancy in any District other than the home District, the same shall also be considered favourably and orders in that regard shall be passed within another two weeks. However, it is made clear and it shall be made clear in the orders also that the District they choose so shall be treated for all purposes as their home District in future.

3. It is however, made clear that in case in respect of any of the vacancies, referred to above, in the various Districts, recruitment process has already been set in motion by notifying those vacancies as on today, the notified vacancies shall not be tinkered in the process.

The writ petitions are disposed of, so also the pending applications, if any.