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**(2011) 07 UK CK 0173**

**In the Uttarakhand High Court**

**Case No : Writ Petition No. 641 of 2011**

Mahipal Singh and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

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**Date of Decision : 01-07-2011**

**Acts Referred:**

**Citation : (2011) 07 UK CK 0173**

**Hon'ble Judges : Sudhanshu Dhulia, J**

**Bench : Single Bench**

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## **Judgement**

Sudhanshu Dhulia, J.—Heard learned Counsel for the Petitioners as well as learned State counsel.

2. In both these writ petitions, the grievance is the same, hence both these writ petitions are disposed of together.

3. The Petitioners are Assistant Teachers working in different government junior high schools/government primary schools working in district Uttarkashi in Uttarakhand, who have been transferred/adjusted to different government junior high schools /government primary schools in district Uttarkashi by the order of District Education Officer, Uttarakhashi passed on different dates. Subsequently, vide order dated 18.4.2011, the transfer/adjustment of these Petitioners has been cancelled by the District Education Officer, Uttarkashi.

4. The grievance of the Petitioners is that the Petitioners have already joined the new place of posting and settled there along with their families and they are teaching there for some time in these schools and now by the impugned order, their transfer/adjustment to new place of posting is cancelled and they are being sent back to the school where they were earlier teaching.

5. Be that as it may, one thing which is very clear from the impugned order as well as from the contentions of the parties before this Court is that once the Petitioners had been transferred to their newly adjusted place, in case the order

was liable to be cancelled, the facts of each case should have been studied and in case there was any violation of any Rules or orders, only in such case the transfer order was liable to be set aside, instead of this by a blanket order all such adjustments/transfers have been set aside.

6. As such both these writ petitions are being disposed of with a direction to the Additional Director of Education, Garhwal Mandal, Pauri to look into the matter and to see the facts of each case and thereafter pass appropriate orders therein. In case their case is eligible for transfer/adjustment, the same shall be made. At the same time, if there is any violation, the order, Petitioners shall be sent back as they have been by the present impugned order. It is made clear that merely by passing this order, it would not mean that the Court has directed the authority to give any personal hearing to each of the Petitioners. All the Additional Director of Education, Garhwal Mandal, Pauri has to do is to examine each case individually before passing the order. It is also made clear that since the education session has already started, the exercise as directed by this Court must be completed as expeditiously as possible, but definitely within a period of three weeks from the date a certified copy of this order is produced before him. In spite of the repeated assertion of the Petitioners, this Court is not inclined to pass any interim order purely for the reason that it may create confusion in the mind of the concerned authority, and may hamper the education session. However, it is made clear that the stipulated period of three weeks must be strictly adhered to.

7. With the above observations, the writ petitions are disposed of.