

(2010) 12 RAJ CK 0037

In the Rajasthan High Court

Case No : Civil Writ Petition No. 15911 of 2010

Manju Jain

APPELLANT

Vs

District Elementary Education Officer and Others

RESPONDENT

Date of Decision : 06-12-2010

Acts Referred:

Panchayati Raj Act, 1994 — Section 89(8A)

Citation : (2010) 12 RAJ CK 0037

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—One of the contentions advanced by the counsel is that Petitioner was appointed as Teacher and member of Rajasthan Panchayati Raj Rules, 1996. However, there could be transfer in accordance with the provisions of Panchayati Raj Act, 1994 and the rules framed thereunder. However, District Education Officer (Elementary Education), Bharatpur has transferred the petitioner from one Panchayat Samiti to other without complying with the requirement of section 89 (8A) of the Act, 1994, in absence whereof, the order of transfer of the Petitioner is not legally sustainable. However, the appeal preferred has been rejected by the Tribunal. Counsel submits that in identical CWP-15745/2010 while issuing notice interim order has been passed on 03.12.2010.

2. Issue notice of writ & stay petition along with a copy of this order to the Respondents as to why the petition may not be disposed of at the stage of admission, returnable by four weeks. Notices may be given "dasti, if desired. PF & notices be filed within seven days, failing which stay order shall stand vacated without reference to this Court.

3. In the meanwhile, operation of order dt.26.09.2010 pertaining to transfer of Petitioner shall remain stayed and Respondents are directed to allow the Petitioner to work in the same Panchayat Samiti in which she was working prior to passing of the order impugned, till further orders.

4. List after service along with CWP-15745/2010, 15910/2010, 15912/2010 & 15913/2010.