
(2022) 04 RAJ CK 0102

In the Rajasthan High Court

Case No : S.B. Civil Writ Petition No. 14162 Of 2021

Manju Somani

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 25-04-2022

Acts Referred:

Citation : (2022) 04 RAJ CK 0102

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Manas Ranchhor Khatri, Vishal Jangid, Hemant Choudhary, Rajeev Chouhan

Final Decision : Disposed Of

Judgement

Arun Bhansali, J

This writ petition has been filed by the petitioner aggrieved against the order dated 30.9.2021, whereby, the petitioner has been transferred from Govt. Upper Primary School, Harni Kalan, Ward No.25 NP, Bhilwara to Govt. Girls Upper Primary School, Haled, Bhilwara.

Submissions have been made in the petition that the transfer of the petitioner is contrary to Note-4 appended to the order impugned and that as the medical condition of the petitioner is precarious, transfer of the petitioner is not justified.

Learned counsel for the petitioner made submissions that based on the medical condition of the petitioner, in terms of Note-4 appended to the order impugned and the representation made by the petitioner, the transfer of the petitioner was not justified.

Learned counsel appearing for the State made submissions that Note-4 appended to the order impugned does not pertain to transferred employee, the same pertains to the place where the person has been transferred.

Further submissions have been made that the petitioner has been transferred

very close to the existing school, where the petitioner is serving and, therefore, the plea raised in this regard has no substance.

Learned counsel appearing for the respondent No.7, on instructions, also indicated that both the schools where the petitioner is presently serving and where she has been transferred, are situated within 6 km of petitioner's residence and, therefore, the plea raised pertaining to petitioner's illness and/or inconvenience being caused to her, has no substance.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

Insofar as, Note-4 appended to the order impugned is concerned, the same pertains to the place where the employee has been transferred, wherein, it has been indicated that if on the transferred place, the employee working is a widow / deserted / blind / physically challenged / suffering from serious disease like cancer, brain tumor etc., he / she may not be relieved.

In view thereof, as the said Note-4 does not pertain to the petitioner, the plea raised based on Note-4, has no substance.

Insofar as, the physical condition of the petitioner is concerned, for the said purpose, the petitioner is required to approach the respondents – competent authority. The representation made (Annex.3) is cursory and does not bring out any special reason not to transfer the petitioner.

In view of the above circumstances, the petitioner may now approach the respondents – competent authority by way of a fresh representation within a period of three days from today along with all the details, on which, the petitioner seeks to rely on.

If such a representation is made by the petitioner, the same shall be dealt with appropriately by the respondent – competent authority within a period of 7 days from the date the representation is made by the petitioner.

Till such time that the representation made by the petitioner is decided, the order dated 30.9.2021, qua the petitioner, shall remain suspended and will follow the result of the determination of the representation.

With the above directions, the petition filed by the petitioner stands disposed of.