
(2010) 11 SHI CK 0243
In the High Court Of Himachal Pradesh
Case No : CWP No. 6905 of 2010

Meena Sharma

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 10-11-2010

Acts Referred:

Right of Children to Free and Compulsory Education Act, 2009 — Section 27

Citation : (2010) 11 SHI CK 0243

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The writ petition is filed with the following prayers:

1. To issue a writ of certiorari any other appropriate writ, order or direction quashing the order dated 20-10-2010 Annexure-P/1 qua the Petitioner.
2. To send for entire records of the case to see as to manner of exercise of discretion by the Respondents while selecting and deputing a teacher to discharge electoral duty.
2. The instructions furnished by the Director dated 8th November, 2010 are taken on record, which read as follows:

In this regard, it is submitted that as per the information received from the Block Elementary Education Officer, Kandaghat, the Petitioner Smt. Meena Sharma has been serving in Govt. Primary School Bisha and one another female teacher Smt. Taruna is also working in Govt. Primary School, Bisha. It is further submitted that for electoral rolls-2011, names of all Primary teachers working under the control of Respondent No. 3 i.e. Block Elementary Education Officer, Kandaghat were required to be sent to the office of the Respondent No. 4 i.e. Electoral Registration Officer (SDM), Solan. In view of these directions, the Respondent No. 3 i.e. Block Elementary Education Officer, Kandaghat submitted a list of all Primary Teachers working in his Block to the Respondent No. 4. The Respondent No. 4 further appointed the officials for the purpose in various polling stations as

designated officers. The Petitioner has been appointed as designated officer for 53/24-Bisha polling station which is situated in the Govt. Primary School, Bisha, where she herself is posted. It is further submitted that even as per Section 27 of the Right of Children to Free and Compulsory Education Act, 2009, now teachers can only be deployed for population census, disaster relief duties or duties relating to elections.

3. According to the Petitioner, she has to face several difficulties, particularly the duty she has to perform by walking through the forests in late hours. Other difficulties are also pointed out by the Petitioner. The Petitioner is free to point out all these aspects before the fourth Respondent in which case the fourth Respondent will consider the same and take appropriate action in accordance with law and justice within another 10 days.

4. The writ petition is disposed of, so also the pending application(s), if any.