

(2018) 07 RAJ CK 0123

In the Rajasthan High Court

Case No : Civil Writs No. 13901, 13898 of 2018

Nand Kishor @APPELLANT@Hash State of Rajasthan & Ors

Date of Decision : 05-07-2018

Acts Referred:

Citation : (2018) 07 RAJ CK 0123

Hon'ble Judges : VEERENDR SINGH SIRADHANA, J

Bench : Single Bench

Advocate : Chaman Singh

Final Decision : Disposed Off

Judgement

At the very outset, learned counsel for the petitioner submits that the controversy raised in the instant writ application stands resolved in view of the order dated 3rd February, 2017, wherein the writ application was disposed off relying upon the opinion in the case of Begraj Versus State and Ors.

It is further contended that, at this stage, the petitioner would be satisfied, if the State-respondents are directed to consider and decide the case of the

petitioner within a time frame, in terms of the order in the case of Kuldeep Kumar Sharma Versus The State of Rajasthan & Ors.: SBCWP No.

1925/2017 and Begraj (supra), holding thus;

After considering various grievances raised by the petitioners and narrated above, it can be redressed, if representation is given by the petitioners

within ten days from today and exercise is thereupon undertaken by the department in the following manner for which their exist agreement between

the parties:

(1) The petitioners would make a representation to the respondents raising their grievances against the order of posting. It would be by narrating

ground for challenge of the posting. The representation aforesaid would be

submitted within a period of ten days from today along with certified copy of this order. The respondent department i.e. Secondary as well as Elementary Education would immediately notify the vacant posts in different schools and out of which, in which school they are in need of a Teacher. If a vacant post exists in the school, but looking to the strength of the students, the Teacher may not be required then while notifying the vacant post in the school, it would be made clear by the department that against any post or posts, they do not need additional hands. It is agreed that if the department finds that additional hands are not required in a particular school or against a post, then such posts would not be filled by transfer for a period of three months.

(2) The Teachers of Level II posted against the post of Level-I would be transferred back to their post immediately after getting the new recruits or on availability of the Teacher (Level-I). The said exercise would be undertaken vice-versa i.e. for transfer of Teachers Gr.III appointed on Level-I but transferred against the post of Level-II, if any.

(3) The department would post the Teacher against the post meant for specialised subject if their recruitment was in a particular subject or they are teaching the subject for years together. The Teacher of subject would be transferred to a post of the said subject only so that students may not suffer.

(4) While undertaking the exercise, the department may take into consideration the guidelines issued on 8th May, 2016 and 9th May, 2016. While applying the said guidelines, the effort would be to redress the grievances of the petitioners.

(5) The petitioners would be at liberty to indicate their choice of school other than it is notified by the respondents.

(6) If mutual transfer is sought then it would be dealt with by the department. The request can be accepted because in the case of mutual transfer, it would not affect any one which includes even the department. The prayer for mutual transfer would be between the employees of same level of the post and set up apart from subject, if any.

(7) If the petitioners have already joined the post in pursuance of the orders under challenge, then their joining would not be taken adverse for disposal of the representation and carrying out the directions given.

(8) Apart from the issues referred above, if any other issue exists to seek change

of the place of transfer, the petitioners would be at liberty to make a representation showing the ground for it like posting of husband and wife at one place, illness, disability, retirement in few months or any such similar ground.

(9) It is agreed that the representation would be considered by the department within a period of two months with necessary order.â??

In view of the limited prayer addressed; the petitioner is directed to address a detailed representation enclosing a copy of the order in the case of

Kuldeep Kumar Sharma (supra) and Begraj (supra).

In case, the case of the petitioner is found covered by adjudication in the case of Begraj (supra); the petitioner be also accorded the same relief in

terms of the order, as extracted herein above.

With the observation and directions as indicated above, the writ application stands disposed off.