

(2011) 02 SHI CK 0032
In the High Court Of Himachal Pradesh
Case No : CWP No. 517 of 2011

Promila Sharma Petitioner

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 24-02-2011

Acts Referred:

Citation : (2011) 02 SHI CK 0032

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

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—Petitioner is aggrieved since she is disturbed by her transfer to Government Senior Secondary School, Saleti from Government Senior Secondary School, Jaleri so as to accommodate the private Respondent, who is a P.T.A. appointee.

2. The Petitioner was appointed in service in the year 1984 and at the present place, she has been working since June, 2009. It appears that the impugned order was passed so as to accommodate the private Respondent, who is a P.T.A. appointee. The law is well settled that 2 P.T.A. appointee has no right to claim benefit for continuance of appointment for ever since P.T.A. is only a stop gap arrangement. However, taking note of the fact that there were several open vacancies where the fresh recruits could be accommodated so that P.T.A. appointees could continue for some more time, this Court has been directing the Director to look into the matter. In this case, the Petitioner is not a fresh appointee.

3. Faced with the above situation, the learned Counsel for the private Respondent submits that several vacancies are likely to arise by March. In case the Petitioner is willing to work in any open vacancy which is presently available or arising in March, the private Respondent may secure a certificate in that regard from the Petitioner and produce the same before the Director in which case, in view of the willingness of the Petitioner to be accommodated in another school in the arising vacancy the private Respondent, who has worked as P.T.A.

appointee shall be continued until she is otherwise duly replaced.

4. In that view of the matter, the interim order dated 2nd February, 2011 is vacated. Annexure P-4 is set aside. The Petitioner shall be permitted to join forthwith.

5. With the above observations, the writ petition is disposed of and so also the pending applications, if any. Copy dasti.