

(2021) 09 UK CK 0074

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1141 Of 2021

Puspesh Sanga

APPELLANT

Vs

Director Secondary Education Uttarakhand Dehradun And
Others

RESPONDENT

Date of Decision : 08-09-2021

Acts Referred:

Citation : (2021) 09 UK CK 0074

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : S.C. Bhatt, Anjali Bhargawa

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. In the instant writ petition, petitioner has impugned order dated 27.03.2017, passed by respondent no.2, by which, petitioner has been transferred from Government Inter College, Banbhoolpura, Nainital to Government Inter College, Bhaurasa, Bhimtal, District Nainital.

2. It is the case of the petitioner that earlier he was posted in Government Inter College, Banbhoolpura, Haldwani, District Nainital till 2017. In that school there was one post of In-charge National Cadet Corps. But, due to collusion between a teacher and Principal, the name of the petitioner was not forwarded. Petitioner had to file WPSS No.355 of 2016 (for short, "first writ petition") for that purpose. In that, certain orders were passed, pursuant to which petitioner was permitted to participate in the process of appointment of In-charge National Cadet Corps. But, the result is yet in a sealed envelope and the writ petition is still pending. Subsequent to it, the petitioner was attached with the office of the Chief Education Officer, Nainital by an order dated 11.07.2016, which was challenged by the petitioner in WPSS No.1419 of 2016 (for short, "second writ petition"), which is still pending.

3. During the pendency of the second writ petition, it is the case of the petitioner that he was again attached with Government Inter College, Kyari, Nainital and subsequently from there to Government Inter College Bhaurisa, Bhimtal, District Nainital, by order dated 27.03.2017, which is impugned in this writ petition.

4. Heard learned counsel for the parties and perused the record.

5. Learned counsel for the petitioner would submit that earlier petitioner filed two writ petitions, one for consideration of his name for the post of In-charge National Cadet Corps in the Government Inter College, Banbhoolpura, Haldwani, District Nainital, which is still pending. Thereafter, when on 11.07.2016, petitioner was attached with the office of the Chief Education Officer, Nainital, he preferred second writ petition, which is still pending.

6. It is argued that during the pendency of the second writ petition, the petitioner was once attached to Government Inter College, Kyari, Ramnagar, District Nainital, by way of an order dated 19.08.2016 and subsequently, by the impugned order, he has been transferred to the Government Inter College, Bhaurisa, Bhimtal, Nainital. It is argued that during the pendency of the second writ petition, this should not have been done by the authority concerned. Learned counsel would submit that between the year 2016 and 2017, petitioner was transferred thrice. He has been harassed for no reason.

7. Learned State counsel would submit that the petition has been filed after four years. Petitioner is already working in the school pursuant to the impugned order.

8. Why is the impugned order bad in the eyes of law? Merely, because three transfers have been made. It cannot be said, bad in the eyes of law. Is it malafide action? Petitioner has to show something. But, nothing has been revealed in the petition or during the course of arguments. The first order dated 11.07.2016, by which, the petitioner was attached with the office of the Chief Education Officer, Naintial, was challenged by the petitioner in WPSS No.1419 of 2016. It is submitted that no interim order was passed in that petition. It is still pending. If respondents have committed any irregularity or impropriety, for attaching or transfer during the pendency of the WPSS No.1419 of 2016, perhaps the best mode available for the petitioner is to bring those facts in that petition so as to seek the redressal of any grievance. But, that cannot be a ground to challenge the impugned order.

9. It is submitted that the petitioner is working on the transferred post since then. What prompted the petitioner to approach this Court after more than four years to challenge the transfer order, it is also not revealed. This delay alone is a ground to dismiss the petition.

10. Having considered, this Court is of the view that there is no merits in the writ petition. It deserves to be dismissed at the stage of admission itself.

11. The writ petition is dismissed in limine.