

(2018) 09 J&K CK 0048

In the Jammu And Kashmir High Court

Case No : Letter Patent Appeal No. 145 Of 2018, IA No. 01 Of 2018

Radha Kumari @APPELLANT@Hash State Of Jammu & Kashmir And Ors

Date of Decision : 19-09-2018

Acts Referred:

Citation : (2018) 09 J&K CK 0048

Hon'ble Judges : Alok Aradhe, J; Sanjay Kumar Gupta, J

Bench : Division Bench

Advocate : Sudershan Sharma

Final Decision : Disposed Off

Judgement

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

1. The instant appeal is admitted for hearing.
2. With the consent of the learned counsel for the parties, the matter is heard finally.
3. In this 'Intra-Court Appeal', the appellant has assailed the validity of the order dated 06th September, 2018, passed by the learned Single Judge in SWP No. 1728/2018, by which the writ petition preferred by the petitioner/appellant herein has been dismissed.
4. The facts giving rise to the filing of the instant appeal briefly stated are that the appellant was posted as Teacher in Government Higher Secondary School, Halaran and vide order dated 27th June, 2018, issued by the respondent No. 4, i.e., Principal, Government Higher Secondary School, Halaran, District Doda, appellant/petitioner therein was relieved for joining at Primary School, Bagan with immediate effect.
5. The appellant/petitioner has challenged the validity of the aforesaid order before the learned Single Judge. The learned Single Judge vide order dated 06th September, 2018, passed in SWP No. 1728/2018 dismissed the writ petition.
6. Learned counsel for the appellant submitted that being aggrieved, the

petitioner has submitted representations (Annexure-K & L) dated 29th June, 2018 and 04th July, 2018 before respondent No. 3, i.e., Chief Education Officer, Doda and the aforesaid authority be directed to consider the aforesaid representations submitted by the petitioner by passing a speaking order within a fixed time limit.

7. On the other hand, learned counsel for the respondents submits that in case such representations are pending before the respondent No. 3, the concerned authority shall decide the same by passing a speaking order.

8. In view of the aforesaid submissions made by the learned counsel for the parties and in the facts of the case, we deem it appropriate to dispose of the instant appeal with a direction that in case, such representations of the appellant are pending consideration before the respondent No. 3-Chief Education Officer, Doda, the authority concerned shall consider and decide the same, taking into account the Certificate issued by the Standing Medical Board by passing a speaking order within a period of two weeks from the date of receipt of a certified copy of the order passed today.

9. To the aforesaid extent, the order dated 06th September, 2018, passed by the learned Single Judge in SWP No. 1728/2018 is modified.

10. With the above observations, the instant appeal is disposed of along with connected IA.