

(2011) 08 GUJ CK 0017

In the Gujarat High Court

Case No : Special Civil Application No. 10744 of 2011 and Special Civil Application No's. 10745 to 10746 of 2011

Ramiben Gulabbbhai Mahala

APPELLANT

Vs

State of Gujarat and Another

RESPONDENT

Date of Decision : 12-08-2011

Acts Referred:

Citation : (2011) 08 GUJ CK 0017

Hon'ble Judges : M.B. Shah, J

Bench : Single Bench

Advocate : Harshadray A. Dave, for the Appellant; Shachi Mathur, AGP for Respondent 1 in all Petitions, for the Respondent

Judgement

M.D. Shah, J.—Heard learned advocate, Mr. Harshadray A. Dave for the appearing for Petitioners and learned AGP Ms. Shachi Mathur appearing for Respondents state authorities.

2. Learned advocate Mr. Dave submitted that before this Court in identical facts and circumstances which are having with Petitioners, this Court has passed an order on 18/7/2011 in Special Civil Application No. 8177 of 2011 with Civil Application No. 7670 of 2011. Said order is quoted as under:

1. Heard learned advocate Mr. KB Pujara on behalf of Petitioner, learned AGP Mr. Maulik Nanavati appearing for Respondent.

2. I have considered submissions made by both learned advocates. The application has been made by each Petitioner giving choice of place with a request to transfer Respondent as per policy of State Government. Therefore, it is directed to Respondent to first consider an application made by Petitioner to Respondent with a request to transfer who are senior and experienced Trained Graduate primary teachers, to be posted on vacancies in Upper Primary Section before taking any steps in furtherance of advertisement dated 15/7/2011 issued by Respondent as per Annexure II of civil application No. 7670/2011.

3. In view of above observation and direction, SCA No. 8177/2011 and CA No. 7670/2011 both are disposed of by this Court without expressing any opinion on merits. However, in case of such individual applicant/ Petitioner have some difficulty arise, it is open for such applicant/Petitioner to approach this Court. Direct service today is permitted.

3. Here, present Petitioners are working as a teachers in upper primary school and all have made their applications before Respondents with a request to consider their case of transfer at a particular choice of place before finalizing selection and appointments in pursuance to advertisement dated 15/7/2011.

4. I have considered submissions made by learned advocate Mr. Dave and learned AGP Ms. Mathur appearing for Respondents state authorities and an application which has been made by each Petitioner to Respondents giving choice of place with a request to transfer as per policy of State Government.

5. Therefore, it is directed to Respondents state authorities to first consider such application which has been made by each Petitioner to Respondents with a request to transfer who are senior and experienced trained graduate primary teachers to be posted on vacancies in upper primary section before taking any steps or finalizing it in furtherance of advertisement dated 15/7/2011.

6. In view of above observation and direction, present petitions are disposed of by this Court without expressing any opinion on merits. However, in case if any Petitioner has some difficulty or any difficulty arise to Petitioners, it is open for Petitioners to approach this Court. Direct service today is permitted.