
(2011) 02 RAJ CK 0041
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1220 of 2011

Shimla Pareek

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 11-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2011) 02 RAJ CK 0041

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Govind Mathur, J.—By an order dated 26.9.2010, the Petitioner Teacher was transferred from Government Primary School Gancha Basti, Ward No. 6, Shahpura, District Bhilwara to Government Primary School, Khedi Khurd First, Shahpura, Bhilwara. In the order aforesaid, the transfer of the Petitioner was shown at her own request.

2. Being aggrieved by order of transfer, the Petitioner preferred an appeal before Rajasthan Civil Service Appellate Tribunal, Jaipur and that came to be disposed of on 29.10.2010. The learned Tribunal directed the Petitioner to submit representation to the authority competent and the authority competent was directed to consider and decide the representation within the period of two months. Accordingly, a representation submitted by the Petitioner came to be disposed of by the District Education Officer (Elementary), Department of Education, Bhilwara on 15.12.2010. The District Education Officer allowed the joining time and travelling allowance to the Petitioner with an assertion that her transfer was made in an administrative exigency. Being aggrieved by the order dated 15.12.2010, this petition for writ is preferred.

3. It is submitted by the learned Counsel for the Petitioner that the order of transfer is not in administrative exigency as two teachers are already working at

Government School Khedi Khurd where strength of students is 73.

4. Heard learned Counsel for the Petitioner.

5. What is the need of the teachers in a specific school is required to be decided by the Department concerned and this Court is not supposed to determine that. An order of transfer is not required to be disturbed until that is in violation of statute or is an outcome of malice or is shockingly arbitrary. No such eventuality exists in this case, as such, I am not inclined to interfere with the order of transfer while exercising powers under Article 226 and 227 of the Constitution of India. The petition for writ is dismissed accordingly.