

(2008) 12 AHC CK 0044
In the Allahabad High Court

Shiv Narain Yadav

APPELLANT

Vs

State of U.P.Thr.Prin Secy Basic Education U.P.Civil Sectt.

RESPONDENT

Date of Decision : 12-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0044

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Disposed Of

Judgement

Learned counsel for the petitioner is permitted to implead Additional Director Basic Education, U.P., Allahabad as opposite party no.5 during the course of day.

Heard learned counsel for the petitioner, learned Standing Counsel for the opposite party no.1 and Sri A.M.Tripathi, learned counsel appearing for the opposite parties no. 2 and 3.

With the consent of the parties counsel, the writ petition is being finally decided at the admission stage without calling for any counter affidavit.

The grievance of the petitioner is that the petitioner who is Head Master of Primary School, Mehdiya Patti has been transferred to Primary School Aasudhi, district Pratapgarh by an order dated 01.12.2008 passed by the opposite party no.2.

According to the petitioner, the transfer order has been passed on malafide ground on the complaint of village Pradhan under the pressure of local MLA, namely, Rajendra Pratap Singh alias Moti Singh. Earlier the petitioner was suspended and order of suspension was stayed by this Court on 13.12.2007. Though the petitioner has been reinstated and enquiry is going on but with malafide intention the petitioner has been transferred.

Learned counsel for the petitioner next submitted that earlier also the petitioner was transferred by order dated 14.01.2008 passed by the opposite party no.2.

Sri A.M. Tripathi, learned counsel for the opposite parties no. 2 and 3 has submitted that is wrong to say that transfer of the petitioner from one school to another school in the same block has been passed on any malafide ground.

After hearing learned counsel for the parties and perusing the record, I am of the view that no interference by this Court is called for with the impugned order of transfer. However, in view of the peculiar facts and circumstances of the case, it is provided that in case the petitioner files a representation against the transfer order dated 01.12.2008 alongwith certified copy of this order before the opposite party no.5, the same shall be considered and decided by the opposite party no.5 strictly in accordance with law by a speaking and reasoned order within a period of one month from filing of the representation of the petitioner before him.

With these observations, the writ petition stands disposed of finally.