
(2002) 03 JH CK 0074

In the Jharkhand High Court

Case No : Writ Petition (S) No. 1715 of 2002

Smt. Hiralia Boxla

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 14-03-2002

Acts Referred:

Citation : (2002) 03 JH CK 0074

Hon'ble Judges : S.J. Mukhopadhaya, J

Bench : Single Bench

**Advocate : M. Sohail Anwar, Altaf Hussain and S.N. Hoda, for the Appellant;
B.S. Lal, A.A.G., for the Respondent**

Judgement

S.J. Mukhopadhaya, J.—This writ petition has been preferred by the petitioner against the order dated 26th February, 2002, whereby the D.S.E., Gumla transferred the petitioner on the ground that the post against which the petitioner is working is a post under "Plan head" and for that the petitioner is not getting salary since long.

2. According to the counsel for the petitioner, the ground shown in the order dated 26th February, 2002 is non est as the petitioner is getting regular salary and has also received salary upto January, 2002. Merely on the ground that it is a post under "Plan head" no person can be transferred is not the true picture, rather a post under "Non-plan head" is still vacant in the school, in question.

3. The submission as made on behalf of the petitioner, prima facie, seems to be correct, but for determination of issue, the case is remitted to the D.S.E., Gumla before whom the petitioner will file a representation within two weeks.

4. If it is found that the petitioner has been paid salary till January, 2002, merely on the ground that it is post under "Plan head", the D.S.E. will not transfer the petitioner and, in such case, he will recall the order, contained in Memo No. 966 dated 26th February, 2002.

5. On the other hand, if it is found that the petitioner has not been paid salary since long and the averment made before the Court relating to payment of salary is incorrect then he will give the year and month from when the petitioner is not getting salary and affirm the order dated 26th February, 2002.

6. If any such representation is filed by the petitioner within two weeks and no person has been posted in her place, the respondents will not give effect to the Order No. 966 dated 26th February, 2002 till the decision is taken by the D.S.E., Gumla.

7. The writ petition stands disposed of.