

(2011) 01 SHI CK 0010
In the High Court Of Himachal Pradesh
Case No : C.W.P. No. 3013 of 2010

Smt. Raj Kumari	Vs	APPELLANT
State of H.P. and Others		RESPONDENT

Date of Decision : 07-01-2011

Acts Referred:

Citation : (2011) 01 SHI CK 0010

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The Petitioner is a JBT Teacher. She has been transferred from Government Primary School, Chambi (SNR-1) to Government Primary School, Manjehli (SNR-II) within a short span of less than six months apparently with a view to adjust private Respondent No. 5, who was under transfer from Government Primary School, Bhawana to Government Primary School, Manjehli (SNR-II). Being aggrieved, she has filed the present petition on the following prayers:

(i) Issue a writ of certiorari to quash Annexure P-4 i.e. impugned order dated 2.6.2010 passed by the Block Elementary Education Officer, Sundernagar-1st, District Mandi, Himachal Pradesh.

(ii) Issue a writ of mandamus directing the Respondent authorities not to implement Annexure P-4.

(iii) Issue a writ of mandamus directing the Respondent authorities to pay due and admissible salary to the Petitioner during the pendency of the present petition.

2. In reply on behalf of Respondents No. 1 to 4, the following stand has been taken vide para 2:

2. That in reply to this para it is submitted that as per information received from Deputy Director of Elementary Education, Mandi Distt., Mandi the transfer of the

Petitioner has been made from Government Primary School, Chambi (Sundernagar-1) to Government Primary School, Manjehali (Sundernagar-II) with the prior approval of the competent authority. It is further submitted that before it the Petitioner served in Government Primary School, Chambi (Sundernagar-1) w.e.f. 9.12.2002 to 30.6.2006, Government Primary School, Samkal (Sundernagar-I) w.e.f. 30.6.2006 to 12.6.2008, Government Primary School, Sundernagar (Girls) w.e.f. 12.6.2008 to 11.2.2010 and Government Primary School, Chambi (Sundernagar-I) w.e.f. 11.2.2010 till date. The distance between these Government Primary Schools is within the radius of 19 k.m. As such the Petitioner has completed more than 7 years stay within the radius of 19 k.m.

3. The stand on behalf of Respondent No. 5 is akin to that Respondents No. 1 to 4.

4. In the facts and circumstances of the case, the of petition is disposed of with a direction that subject to the Petitioner making a representation along with a copy of this judgment to Respondent No. 2 within a fortnight from today the said Respondent shall consider the same and take a final decision in the matter within the next fortnight in accordance with law and justice by exploring the possibility of adjusting either the Petitioner or private Respondent No. 5 against one of the three places each of their choice, after affording an opportunity of being heard to the Petitioner and private Respondent No. 5, if so desired. In the meantime, due and admissible salary shall be paid to Respondent No. 5 within one month from today. Interim order dated 7.6.2010 to continue till decision of the representation.

5. The petition stands disposed of in the above terms, so also pending application(s), if any.