

(2019) 03 P&H CK 0041

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 6225 Of 2019 (O&M)

Sudeshna Kumari

APPELLANT

Vs

Commissioner, Kendriya Vidyalaya Sangathan And Another

RESPONDENT

Date of Decision : 08-03-2019

Acts Referred:

Citation : (2019) 03 P&H CK 0041

Hon'ble Judges : Rajiv Sharma, J;Kuldip Singh, J

Bench : Division Bench

Advocate : Jagbir Malik

Final Decision : Dismissed

Judgement

Petitioner seeks quashing of the impugned orders dated 22.2.2019 (Annexure P-1), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short the 'Tribunal') vide which prayer of the applicant for quashing of the impugned order dated 5.10.2018 passed by Assistant Commissioner E-II/III)Kendriya Vidyalaya Sangathan, New Delhi was rejected.

We have heard learned counsel for the petitioner and have also carefully gone through the case file.

Petitioner is working as a teacher in Kendriya Vidyalaya Sangathan (KVS) Ambala Cantt. since November 1998. After about 16 years, on 21.5.2014, she was transferred to Kendriya Vidyalaya Sangathan Meerut but on 1.7.2016 she was again transferred back to Ambala Cantt from Meerut. There were complaints against the petitioner regarding awarding corporal punishment to the students. In one such case, as a result of corporal punishment, the finger of one of the student namely Ms. Arzoo had to be subjected to the plastic surgery. There were also complaints regarding misbehavior with the colleagues. She was also making complaints against her colleagues in the police station and the atmosphere was vitiated. The Deputy Commissioner, KVS Regional Office, Gurugram as well as the Chairman of the Vidyalaya Mangement Committee, KV No. 2, Ambala Cantt

recommended her transfer. Accordingly, she was transferred to KVS No. 1 at Ferozepur Cantt, Punjab, vide order dated 17.4.2018. Petitioner made representation and her transfer order was amended on 5.10.2018 and she was transferred to KV High Ground, Chandigarh which is near to Ambala Cantt.

The plea of learned counsel for the petitioner is that her children are studying in Class X and XII and she is to assist & supervise them in examination. Therefore, her transfer to Chandigarh should be cancelled.

The Tribunal did not agree with the submission and dismissed the Original Application vide order dated 22.2.2019, with a direction to the petitioner to join the KVS Chandigarh with a period of seven days.

We are of the view that the petitioner remained posted at Ambala Cantt since the year 1998 except for the short spell of two years when she remained posted at Meerut. She was transferred to KVS No. 1 at Ferozepur Cantt. Punjab on 17.4.2018 and on her request her transfer has been changed to Chandigarh which is near to Ambala Cantt.

Petitioner has no right to remain at one station for whole of her life. The Management is also to see the interest of the administration. It is apparent that on account of various complaints and recommendations of the Deputy Commissioner, KVS Regional Office, Gurugram as well as the Chairman of the Vidyalaya Mangement Committee, KV No. 2, Ambala Cantt and also on account of complaints regarding giving severe corporal punishment to the students; misbehaving with the colleagues and making complaints against the colleagues to the police officer, she was transferred, out of Ambala Cantt in order to maintain congenial atmosphere in the school.

We are of the view that if the atmosphere in the school is vitiated, due to the conduct of one of the employee, this is likely to adversely effect the children studying in the said school. Petitioner has no right to remain at one station for whole of the life.

Therefore, there is no ground to interfere in the impugned order 22.2.2019 (Annexure P-1), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh.

Dismissed in limine.