
(2020) 01 RAJ CK 0098

In the Rajasthan High Court

Case No : Civil Writ Petition No. 16866 Of 2019

Tarachand Meena

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 21-01-2020

Acts Referred:

Citation : (2020) 01 RAJ CK 0098

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Inderjeet Yadav, Vishal Jangid

Final Decision : Disposed Of

Judgement

1. The petitioner has challenged the order dated 16.10.2019, whereby his representation has been turned down by the respondents, while relying upon the guidelines dated 24.09.2019, issued by the respondent - State with respect to transfer.
2. Facts relevant for the present purposes are that by way of the order dated 29.09.2019 the petitioner, who was working at Government Senior Secondary School, Khari Beri, District Jodhpur, has been transferred to Government Senior Secondary School, Chikhali, District Dungarpur .
3. Being aggrieved with the transfer order, the petitioner preferred a writ petition (SB Civil Writ Petition No.15154/2019), which came to be disposed of by this Court, vide order dated 04.10.2019, requiring the petitioner to file a representation with the corresponding directions to the respondents to decide the same within 30 days.
4. In furtherance of the order dated 04.10.2019, the petitioner moved a representation dated 07.10.2019 and sought his transfer to either of two schools at Jodhpur, while indicating that his wife is serving at Government Senior Secondary School, Chokha, District Jodhpur.

5. Petitioner's such representation has been rejected by the Director, Secondary Education, Rajasthan, vide order dated 16.10.2019 in light of the guidelines issued by the State Government on 24.09.2019.

6. Mr. Yadav, learned counsel for the petitioner contended that the decision impugned passed by the Director is illegal and non-speaking. He argued that the respondents cannot cursorily reject the representation simply by referring to the guidelines, without considering the petitioner's case on its own merit.

7. Mr. Jangid, learned counsel appearing for the respondents, submitted that the transfer order had been passed on 29.09.2019; the petitioner had joined at Dungarpur and respondent No.5 had already joined at his place while pointing out that the new guidelines dated 24.09.2019, issued by the State Government, do not provide that husband and wife are required to be placed in one District and as such the respondents were justified in rejecting petitioner's representation.

8. Heard.

9. A perusal of the impugned order dated 16.10.2019, passed by the Director, reveals that he has relied upon the guidelines dated 24.09.2019, while rejecting petitioner's representation.

10. Though the order impugned is a stereotype order, yet the requisite fact regarding petitioner's basic grievance and its adjudication (though briefly) has been made.

11. This Court after perusal of the guidelines/circular dated 24.09.2019 finds that the guidelines do not enjoin upon the State to ensure that husband and wife should be posted at one place. Hence, a Teacher working in Government Senior Secondary School cannot seek his/her transfer/posting at a place where his/her spouse is working.

12. In absence of such stipulation in the guidelines and having regard to the fact that the guidelines have been made applicable equally to all concerned, this Court does not find it a fit case worth warranting interference, being guided by the principles of Hon'ble the Supreme Court in the case of Mrs. Shilpi Bose & Ors. Vs. State of Bihar & Ors. reported in AIR 1991 SC 532.

13. The writ petition thus, fails.

14. The stay application is also dismissed.