

Government of Himachal Pradesh  
Department of Higher Education

**ORDER**

No. EDUB-E05/14/2023

Dated: Shimla-2, the 12-8-2024.

P.S. Cell : DHE.	12 AUG 2024
Branch	12

Whereas, Smt. Babita Pathania, Principal is working at GSSS Kihar District Chamba w.e.f. 28.01.2022.

She has filed a CWP No. 1173 of 2024 seeking transfer to the place of her choice in view of adverse health condition of her unmarried deaf and mute sister in law. The Hon'ble High Court has decided the matter on dated 26.02.2024, the operational part of the order is as under:-

*"Without going into the merits of the case and as prayed for by Mr. Vivek Singh Thakur, learned counsel for the petitioner, that the petitioner shall be satisfied in case the respondents are directed to consider/examine the representations dated 9.6.2022 and 27.1.2024 and to pass appropriate orders with (Annexure P-2 & P-4) in a time bound manner. Without going into the rival contentions of the parties, this Court disposes of the writ petition by directing the respondents to consider/examine the representation dated 09.06.2022 and 27.01.2024 and to pass appropriate orders within four weeks from today"*

Whereas, Smt. Babita Pathania has also filed Ex. Petition No.636/2024- titled as Babita Vs. State of HP & ors. which was listed before the Hon'ble High Court of Himachal Pradesh on 10<sup>th</sup> July, 2024. After hearing the matter, the Hon'ble Court has passed the following order:-

*"Notice. Mr. Rahul Thakur, learned Deputy Advocate General, accepts notice on behalf of the respondent. List after three weeks, as prayed for. Compliance affidavit be filed in the meanwhile"*

A representation of the petitioner was received on 27.01.2024 in which she has submitted she is working at GSSS Kihar Distt. Chamba which is a difficult area and further she has also submitted that her unmarried deaf and mute sister in law aged 74 years old needs an attendant in view of here medical condition. Therefore, she has requested to transfer her to GSSS Durgella Distt. Kangra against vacancy.


Further, it is gathered from her service record Smt. Babita Pathania, Principal remained posted in Kangra district throughout her career. She remained



posted at the following two schools i.e. GMS Saddun u/c GHS Shahpur (from:01.02.1991 to 14.07.1998), GSSS Sehwan (from:15.07.1998 to 02.05.2017), GHS Saddun (from:02.05.2017 to 27.01.2022), GSSS Kihar Distt. Chamba (from:28.01.2022). Thus she has served in one District only and was never transferred out of District.

Further, it is also pertinent to mention that Smt. Babita Pathania was promoted as Principal on 28.01.2022 and posted in GSSS Kihar Distt. Chamba. She did not forego the promotion and willingly joined at GSSS Kihar Distt. Chamba. She did not raise the point of ailment of her sister in law at that time and did not make any request for a particular station. Now after a tenure of two years and seven months, she is seeking her adjustment which does not seem appropriate.

She has not completed her normal tenure there and thus, she cannot claim transfer as a matter of right. Her claim on medical grounds is also not admissible as every employee has one or the other problem. Health issues and family obligations cannot be the basis of transfers. Therefore, her representation is rejected and she is directed to continue at GSSS Kihar

  
(Rakesh Kanwar), IAS  
Secretary (Education) to the  
Government of Himachal Pradesh

**REGISTRED POST**

**Smt. Babita Pathania, Principal,  
GSSS Kihar Distt. Chamba.**

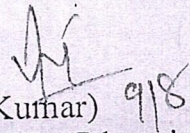
Endst. No as Above

Dated Shimla-2 the

12-8-2024.

Copy is forwarded to the following for information/necessary action.

1. The Director of Higher Education, H.P. Shimla-1 for uploading the same on the official website of the Department.
2. The Joint Secretary (Education) to the Govt. of HP w.r.t. CWP No. 1173 of 2024.
3. The Deputy Advocate General, HP, Shimla-1 w.r.t. CWP No.1173 of 2024.
4. The Deputy Director of Higher Education Chamba with the direction to ensure the delivery of this order to the concerned Principal, H.P and for the purpose of joining relieving.
5. Guard file.

  
(Anil Kumar) 9/8  
Under Secretary (Hr. Education) to the  
Government of Himachal Pradesh