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No. EDN-HE (26) B(6) 1/2022- Biology
Directorate of Higher Education
Himachal Pradesh, Shimla-1

Dated: Shimla-1, the 30/06/22

"ORDER"

Whereas the petitioner Smt. Neelam Kumari, Lect./Lect.(SN) Biology was transferred from GSSS Chail Chowk, Distt. Mandi to GSSS Chowari, Distt. Chamba vice Smt. Reenu Bala, Lect./Lect.(SN) Biology & vice versa. Feeling aggrieved she filed CWP No 3523/2022 titled as Neelam Kumari Vs State of H.P before the Hon'ble High Court. This petition was listed before Hon'ble High Court on dated 03.06.2022 when the same was finally disposed with the directions to respondents as under:-

"Aggrieved by the order of transfer, the petitioner has filed the instant petition for grant of the following reliefs:-

" i) That the writ in the nature of certiorari may kindly be issued quashing the impugned transfer order dated 30th May, 2022(Annexure P-1) of the petitioner."

" ii) That the writ of mandamus may kindly be issued directing the respondents not to relieve the petitioner from the present place of posting i.e GSSS Chail Chowk, Distt. Mandi, HP. and the respondents may kindly be restrained as such during the pendency of the instant Writ Petition or in the alternative the respondent No. 2 may very kindly be directed to give her place of her choice nearby her home place in the interest of equity, justice and fair-play."


A perusal of the petition would go to reveal that save and except an individual, there is no legal and factual ground taken by the petitioner in this petition to assail the order of transfer. This is a matter which is required to be considered by the Employer.

In the given facts and circumstances of the case, we deem it proper to dispose of the instant petition with a direction to the respondents to consider the instant petition itself as a representation and decide the same within a period of two weeks from today. Till then, the order of transfer be not given effect to, qua the petitioner. Pending application, if any, also stands disposed of.

And whereas upon passing of above directions, the representation of petitioner dated 17.06.2022 has been perused and examined and it has been observed that she has requested for her transfer either at GSSS Rajgarh, Distt Mandi against vacancy being caused due to promotion of present incumbent i. e Sh. Yogesh Kumar, Lect./Lect.(SN) Biology) as HM.

And whereas, as per transfer policy the incumbent posted at the stations of choice of the petitioner cannot be transferred in short stay. However she can be transferred any where against available vacancy if she opt for the same. Moreover the incumbent posted at GSSS Rajgarh, (MND) has not been promoted as HM and petitioner cannot be allowed to serve at GSSS Chail Chowk, (MND) as two person cannot be served against one sanctioned post.

Now therefore, after taking into account the above discussed facts and circumstances of the case, the request of the respondent has been considered and rejected to the extent that she may represent a fresh as and when the vacancy exists as per her choice of stations and same will be decided separately as per transfer policy. Hence, her order for GSSS Chowari, Distt. Chamba shall stand. Accordingly her representation stand disposed of.


Director Higher Education
Himachal Pradesh

(4)
17/6/22

Regd.


1. Smt. Neelam Kumari, Lect./Lect.(SN) Biology

W/o Sh. Prabh Dyal Thakur, VPO- Chail Chowk, Tehsil- Chachyoti, Distt. Mandi (HP)

Endst No. Even dated: Shimla-1

Copy for information to:

2. The District Attorney (Education) Directorate of Hr. Education, in reference to CWP No. 3523/2022-titled in the matter of Smt. Neelam Kumari Vs State of H.P. & others and in apprise to Hon'ble High Court to accordingly please.
3. The Principal, GSSS Chail Chowk, Distt. Mandi, HP.
4. The Principal, GSSS Chowari, Distt. Chamba, HP.
5. The Deputy Director of Higher Education Mandi/ Chamba, HP.
6. The Supdt. Legal cell, Directorate of Higher Education, Shimla-1
- ✓ 7. The Incharge IT Cell, (DHE) to upload the said order on website.
8. Smt. Neelam Kumari (Petitioner), Lect./Lect.(SN) Biology, GSSS Chail Chowk, (MND)
9. Guard file.


Director Higher Education
Himachal Pradesh

01 JUL 2022