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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 16-08-2022

"ORDER"

Whereas the petitioner Jyoti Prakash, Lect./Lect.(SN) Biology is working at GSSS Korag, Distt. Sirmour w.e.f. 16.08.2013 & as such his stay is complete. Feeling aggrieved he filed CWP No 4604/2022 titled as Jyoti Prakash Vs State of H.P before the Hon'ble High Court. This petition was listed before Hon'ble High Court on dated 13.07.2022 when the same was finally disposed with the directions to respondents as under:-

"The instant petition has been filed for the grant of following substantive relief:

i) That the respondents may kindly be directed to consider the case of the petitioner for his transfer from GSSS Korag, Distt. Sirmour, H.P (a hard/ difficult area/ sub cadre area) to a station of his choice (a soft area) as per the list of station of his choice as mentioned in the representation and/ or to GSSS Dadhol, Distt. Bilaspur, H.P, as per the provisions enunciated under the transfer policy.

ii) that the respondent may kindly be directed to decide the representation of the petitioner dated 15.06.2022 in as time bound manner.

A perusal of the petition would go to show that the petitioner has completed his normal tenure of service in sub- cadre area/tribal area. Therefore, he is entitled to be transferred from the tribal area to a soft area, that too a station of his choice, in terms of the transfer policy/ guidelines framed by the Government in this regard. The petitioner has given five stations of his choice in paragraph-9 of the petition, which are enumerated as under:

- i) GSSS Dangar, Distt. Bilaspur,
- ii) GSSS Mair, Distt. Hamirpur,
- iii) GSSS Bharari, Distt. Bilaspur,
- iv) GSSS Ghumarwin, Distt. Bilaspur,
- v) GSSS Dadhol, Distt. Bilaspur

In this view of the matter, we dispose of this petition with a direction to the respondents- State to consider the case of the petitioner and thereafter consequential order of transfer be passed, positively within a period of four weeks from today. Pending application, if any, also stands disposed of.

And whereas upon passing of above directions, the representation dated 07.07.2022 has been perused and examined and it has been observed that he has requested for his transfer either at GSSS Dangar,(BLP)/ GSSS Ghumarwin, (BLP)/ GSSS Bharari, (BLP)/ GSSS Mair, (HMR), but all the incumbents posted at the stations of his choice having short stay and no post is lying vacant & the petitioner has represented another one representation to the station of his choice i. e GSSS Dadhol, Distt. Bilaspur against vacancy after starting science classes in future.

And whereas, as per transfer policy the incumbent posted at the stations of choice of the petitioner cannot be transferred in short stay. However he can be transferred any where against available vacancy if he opt for the same.

Now therefore, after taking into account the above discussed facts and circumstances of the case, the request of the petitioner has been considered and rejected to the extent that he may represent a fresh as and when the vacancy exists as per his choice of stations and same will be decided separately as per transfer policy. Accordingly his representation stand disposed of.

Director Higher Education
Himachal Pradesh

Regd.

1. Sh. Jyoti Prakash, Lect./Lect.(SN) Biology

S/o Sh. Inder Singh, Vill- Bhadrog, P.O- Naswal, Tehsil- Ghumarwin, Distt. Bilaspur (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. 4604/2022-titled in the matter of Sh. Jyoti Prakash Vs State of H.P. & others and in apprise to Hon'ble High Court to accordingly please.
3. The Principal, GSSS Korag, Distt. Sirmour, HP.
4. The Deputy Director of Higher Education Sirmour, HP.
5. The Supdt. Legal cell, Directorate of Higher Education, Shimla-1
6. The Incharge IT Cell, (DHE) to upload the said order on website.
7. Sh. Jyoti Prakash (Petitioner), Lect./Lect.(SN) Biology, GSSS Korag, (SMR)
8. Guard file.

20 AUG 2022

Director Higher Education
Himachal Pradesh