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7/15/24

Government of Himachal Pradesh  
Department of Higher Education  
**ORDER**

P.S. Cell DHE.....	11800602
05 MAY 2024	Inquiry
Branch	

No. EDUB-B015/9/2023

Dated: Shimla-2, the

04-5-2024.

Whereas several complaints (written and oral) were received against Sh. Prakash Chand Suketia, Deputy Director Education (Inspection Wing) Kangra from the staff working under him; from the representatives of Teacher Unions and from the members of general public regarding misbehaviour and misconduct by him. Thereafter, a preliminary inquiry was conducted and on the basis of the Inquiry, the Director of Higher Education had recommended that he should be transferred to some other district.

Further, Sh. Prakash Chand Suketia, was working in his home District. Para 3.3 of the Transfer Policy provides that all district level officers and their equivalent officers will not be posted in their Home District. Though this condition can be relaxed by the Chief Minister as provided vide para 23 of the Transfer Policy, this does not mean that a district level officer should remain posted in his home district as a rule.

Therefore, keeping in view the complaints against the said officer and the inquiry report, he was transferred to District Mandi as Deputy Director of Higher Education, Mandi, vide Notification No. EDUB-B015/9/2023 dated 04.09.2023.

However his transfer orders were kept in abeyance vide Notification No. EDUB-B015/9/2023 dated 11.09.2023. He challenged transfer orders before Hon'ble High Court vide CWP No. 6434 of 2023 and same has been decided on dated 28.03.2024, the operative part of the decision is as under:-

*"Accordingly, the instant petition is dismissed as withdrawn with liberty as prayed for. In case the petitioner submits his representation to the competent authority, the same shall be decided expeditiously and in no case later than three weeks from the date of receipt of representation."*

Whereas, the petitioner has submitted a representation vide which he has requested that he may be adjusted against the posts of Dy. Director Higher Education Kangra or Dy. Director Elementary Education Kangra. He has stated that he has served in tribal area for about 18 years and he is going to retire in May, 2025. He has also submitted that he is a diabetic and cholesterol patient since 2009 and his wife is also a diabetic and depression patient and she is serving at GPS Bagdhar, Education Block Banikhet in Distt. Chamba.

Whereas, Sh. Prakash Chand Suketia is working as Deputy Director in Education Department which is a Class-I post and he is a district level officer. Further, he was transferred to Mandi which is neither a hard nor a tribal area. As far as his health issues are concerned good medical facilities are available at Mandi. There is a Government Medical College at Mandi besides several other hospitals in government and private sector. The contention of the petitioner that his wife is serving in Chamba, therefore he should be posted at Kangra is not tenable. His wife is working in Elementary Education Department (primary level) and she belongs to District Cadre, therefore, she cannot be posted in Kangra or Mandi. As far as his retirement is


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concerned the post of Deputy Director is promotional/placement post and incumbent is to be posted out of the district as per available vacancy. He could have opted to forego promotion if he wanted to stay in his home district.

Whereas, it is also pertinent to mention here that in CWP No. 3120 of 2021 titled as Kuldeep Dogra Vs. State of H.P. the Hon'ble High Court has stayed the placements to the posts of Deputy Director of Education due to which presently the work of district level administration in Education Department is being managed by internalization.

Presently all the three posts of Deputy Directors of Education in District Mandi are lying vacant and it is necessary to post regular Deputy Director for smooth functioning of the Department. Therefore, he was posted at Mandi being a District level Officer in public interest.

Now, therefore, the undersigned after careful consideration of all the facts and circumstances of the case finds that the request of the petitioner for adjustment in Kangra has no merit. Therefore, Sh. Prakash Chand Suketia is directed to join his duties as Deputy Director of Higher Education, Mandi in compliance to Notification dated 04.09.2023.

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

**REGISTRED POST**

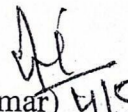
**Sh. Prakash Chand, Dy. Director Education  
(Inspection Wing) Kangra at Dharamshala  
With the direction to join his duties as DDHE Mandi.**

Endst. No as Above Dated Shimla-2 the

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

04-5-2024.

- ✓ 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. 6434 of 2023.
3. The Deputy Director of Higher Education, Kangra at Dharmashala with the direction to ensure the delivery of this order to the concerned officer, H.P.
4. Guard file.

  
(Anil Kumar) 4/5/24  
Under Secretary (Hr. Education) to the  
Government of Himachal Pradesh