

Government of Himachal Pradesh  
Department of Higher Education

157736 (7)  
Urgent  
11 DEC 2023  
1042

**ORDER**

No. EDUB-E05/9/2023

Dated: Shimla-2, the 07-12-2023.

Whereas Sh. Manoj Kumar, Principal, approached the Hon'ble High Court vide CWP No. 8357 of 2023 seeking his transfer on ground that he has completed normal tenure in Chamba District and further on the grounds of couple case. The Hon'ble High Court on dated 02.11.2023 decided the matter and the operational part of the judgement is as under:-

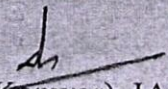
"In the above background, the writ -petition is disposed, of with the direction to the respondent No. 1-Principal Secretary (Education) to Govt. of Himachal Pradesh, that in case, the supplementary representation, is submitted by the petitioner within two weeks from today, the same shall be decided, by the aforesaid request within two weeks thereafter, taking into account the existing norms transfer as well as the mandate of law, in the case of SK Nausad Rahaman (Supra)."

2. Whereas, as per the directions of Hon'ble High Court, the petitioner was afforded an opportunity of being heard in person on 28.11.2023. During the course of hearing the petitioner submitted that he has completed normal tenure of three years in Chamba District and further, submitted that his wife is also working as Lecturer and presently posted at Purana Kangra. Therefore, he made a request to transfer him to station of his choice in District Kangra.
3. Whereas, the Department tried to post couples at same station or nearby/convenient stations, but this is Neither a matter of right nor is it possible in each and every case. Further, the record demonstrates that Sh. Manoj Kumar, Principal, is working at GSSS Gola, which is in Chamba District but the School is at the boundary of District Kangra and Distrcit Chamba. Thus, even though the petitioner and his wife are working in two different Districts, but in reality they are posted at institutions located within a distance of 30-35 Km only. As per the information made available by the Department the GSSS Gola is located at a distance of 25Km from Dharamshala and 40 Kms from Kangra town. Given the road connectivity and ease of travel between the two stations it will not an exaggeration to state that if the Petitioner is posted in a

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school in Kangra District, keeping in view available vacancies and the tenure of other Principals who are posted there, he may actually be at a disadvantage.

4. It is also important to note that his claim that he was earlier transferred from GSSS Ligga, Distt. Chamba to GSSS Gola, Distt. Chamba on the request of some other person, who was willing to be posted at GSSS Ligga, Distt. Chamba is not based on facts. The fact is that no one was posted at GSSS Ligga after his transfer for nearly five months. The fact is that while being posted at GSSS Ligga, Distt. Chamba, he had himself requested through the O/o Hon'ble Chief Minister for his transfer to some places in Kangra or nearby Kangra and therefore he was adjusted at GSSS Gola which is nearer to Kangra.
5. His posting in Chamba is not in the Tribal/Difficult area of Chamba such as Pangi, Bharmour, Tissa or any other places that are away from the cities/towns.
6. Now therefore, the undersigned after considering the facts and circumstances of the case, finds no merit in the claim of Sh. Manoj Kumar, Principal, GSSS Gola, Distt. Chamba. The request is, therefore, rejected. Accordingly, the representation is disposed off.

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

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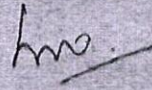
**Sh. Manoj Kumar, Principal,  
GSSS Gola, Distt. Chamba**

Endst. No as Above Dated Shimla-2 the

07-12-2023.

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. 8357 of 2023.
3. The Deputy Director of Higher Education Chamba, with the direction to ensure the delivery of this order to the concerned Principal, H.P.
4. Guard file.

  
Under Secretary (Hr. Education) to the  
Government of Himachal Pradesh