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29 NOV 2023	
Branch	30-11-2023

**ORDER**

No. EDUB-E05/14/2023

Dated: Shimla-2, the

Whereas Smt. Mamta Kumari, Principal, approached the Hon'ble High Court vide CWP No. 7845 of 2023 seeking her transfer on grounds of adverse family circumstances. The Hon'ble High Court decided the matter on 17.10.2023 and the operational part of the judgement is as under:


*"Since, it is the exclusive domain and prerogative of an employer to transfer an employee, there appears to be no justification for this Court to issue direction in that regard, but certainly having taken note of the fact that petitioner has already filed representation dated 24.09.2023 to the competent authority to transfer her on the ground of adverse family circumstances, this court deems it fit to dispose of the present petition with the direction to respondent No. 1 to decide the representation of the petitioner, expeditiously, preferably within a period of two weeks, strictly in terms of the transfer policy, where admittedly a provision has been made to adjust/transfer an employee on account of adverse family circumstances. Needless to say, authority concerned while doing the needful, shall afford an opportunity of hearing to the petitioner and pass detailed speaking order. Liberty is also reserved to the petitioner to file appropriate proceedings in appropriate court of law, if she still remains aggrieved."*

2. Whereas, as per the directions of Hon'ble High Court the petitioner was afforded an opportunity of being heard in person on 17.11.2023. During the hearing the petitioner submitted that her son is having mental health issues and is under treatment from department of psychiatry, further, he needs continuous care. She further, submitted that on dated 19.06.2022 her husband suddenly had an attack of brain stroke and he is also under treatment. She further, produced the documents of Shri Lal Bahadur Shastri Government Medical College and Hospital Mandi at Nerchowk and Fortis Hospital Mohali, Punjab from where the treatment of her son and her husband is being undertaken. Thereafter, she had requested to adjust her at GSSS Rajwari, Distt. Mandi where the post of Principal is going to fall vacant on 30.11.2023 in view of her adverse family circumstances.

3. Now therefore, the undersigned after careful consideration of all the facts and circumstances of the case decided to post Smt. Mamta Kumari, Principal GSSS Jai

Su. Geopal  
2/12

Devi, Distt. Mandi at GSSS Rajwari, Distt. Mandi against vacancy being caused on 30.11.2023. Accordingly the matter is disposed off.

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

**REGISTRED POST**

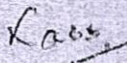
**Smt. Mamta Kumari, Principal,  
GSSS Jai Devi, Distt. Mandi, H.P..**

Endst. No as Above Dated Shimla-2 the

30-11-2023.

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. 7845 of 2023.
3. The Deputy Director of Higher Education Mandi, with the direction to ensure the delivery of this order to the concerned Principal, H.P.
4. Guard file.

  
(Lalit Vikram)  
Deputy Secretary (Hr. Education) to the  
Government of Himachal Pradesh