

Government of Himachal Pradesh
Department of Higher Education
ORDER

PA Cell
DHE...
124361
03 AUG 2024
Br. 2-08-2024.

No. EDUB-E05/12/2023

Dated: Shimla-2, the

Whereas, Smt. Sapna Thakur, Principal, GSSS Gurkotha, District Mandi filed a CWP No. 3685 of 2024 seeking transfer to the place of her choice in view of her adverse health condition. The Hon'ble High Court has decided the matter on dated 02.05.2024, the operational part of the order is as under:-

"Without adverting to the merit of the contention of the petitioner, this writ petition is disposed of with the direction that the authority concerned shall pass appropriate orders on the representation of the petitioner as expeditiously as possible and not later than 31.05.2024 and in view of the medical condition that stands spelled out by the petitioner, this Court hopes and expects that the sympathetic consideration shall be made by the authority concerned while deciding the representation of the petitioner. Pending miscellaneous application(s), if any, also stand disposed of accordingly."


Whereas, a representation of the petitioner was received on 29.05.2024 in which she has submitted that she is suffering from prolapsed, herniated or extruded intervertebral disc and had to undergo anterior cervical discectomy and fusion surgery at Regional Institute of Spinal Injuries, Mohali, Punjab on 27.12.2023. She has further submitted that she has been prescribed Ultrasonic physiotherapy which facility is available at Government Hospital, Mandi which is at a distance of 30 KMs from her place of posting. Therefore, she has requested to post her at one of the stations as sought by her.

Whereas, it is submitted that the main plea of Smt. Sapna Thakur is that she is facing adverse health condition, therefore, she should be posted at a place of her choice. Out of the stations mentioned by her as stations of her choice, only two have vacant posts: GSSS Sujampur and GSSS Sera in Hamirpur district. It is pertinent to mention that Smt. Sapna Thakur, Principal is presently working at GSSS Gurkotha, Distt. Mandi where better health facilities are available. The Government Medical College, Nerchowk, Mandi is located at about 15 Kilometres from her place of posting.

This office contacted her and asked her to indicate the stations of her choice where posts of Principal are vacant. She indicated that she should be posted at GSSS

Sujanpur or GSSS Sera in Hamirpur district. The Google map distance between GSSS Gurkotha and Sh. Lal Bahadur Shastri Government Medical College Nerchowk, Mandi is 15.2 Kms whereas the distance between the Medical College, Nerchowk and GSSS Sujanpur is nearly 100 Kms. Similarly, GSSS Sera Hamirpur is also nearly 100 Kms from the Medical College Mandi. Thus, it is clear that the petitioner has misrepresented the facts and her claim that she should be posted at a station of her choice to get timely medical attention is not correct.

Further, it is gathered from her service record that she has remained posted in Hamirpur district since her first posting in the year 1996 except for her stay at GSSS Baddi (Solan) from 2.5.2015 to 24.6.2017. She joined at GSSS Gurkotha (Mandi) on 29.5.2023 when she was promoted as Principal. If she had medical problems, she could have forgone promotion but she chose to join at GSSS Gurkotha. She has not completed her normal tenure there, thus, she cannot claim transfer as a matter of right. Her claim on medical grounds is also not just and fair. Therefore, her representation is rejected. She is directed to continue at GSSS Gurkotha as there is no merit in her claim.


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


REGISTERED POST

Smt. Sapna Thakur, Principal,
GSSS Gurkotha Distt. Mandi

Endst. No as Above Dated Shimla-2 the 02-08-2024.

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. COPC No. 391/2024 in CWP No. 3685 of 2024.
3. The Deputy Director of Higher Education Shimla with the direction to ensure the delivery of this order to the concerned Principal, H.P and for the purpose of joining relieving.
4. Guard file.


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