

**IN THE HIGH COURT OF UTTARAKHAND AT  
NAINITAL.**

**Writ Petition No. 744(S/S) 2007**

Smt. Mamta Vyas W/o Shiv Prasad Vyas,  
Assistant Teacher, Primary School Than,  
Block-Chamba, district Tehri Garhwal.

-----Petitioner.

Vs.

1. State of Uttarakhand through Director of Education,  
Dehradun,

2. District Education Officer, Narendra Nagar,  
District-Tehri Garhwal,

3. Addl. District Education Officer, New Tehri,  
District Tehri Garhwal.

-----Respondents.

Sri Rajendra Kotiyal, Adv. and Sri Sandeep Kothari learned Counsel for the petitioner and  
Sri N.P. Sah, learned State Counsel for respondents.

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri Sandeep Kothari, learned Counsel for the  
petitioner and Sri N.P. Sah, learned counsel for the  
respondents.

The petitioner, who is at present working as Assistant  
Teacher at Primary School, Than, Block Chamba is aggrieved  
with the impugned transfer order dated 14<sup>th</sup> June 2007 passed  
by the Addl. District Education Officer (Basic), Tehri Garhwal,  
New Tehri by which the petitioner has been transferred to  
Primary School Khamoli Block Thauldhar on the ground that  
the number of teacher at Primary School, **THAN** is more than  
the prescribed standard fixed by the Govt.

Stand of the petitioner is that in the year 2005 she fell  
seriously ill and medically treated at Sir Ganga Ram Hospital,  
New Delhi. The petitioner used to visit the said hospital for her  
dialysis. Besides it, the petitioner is also getting treatment from  
Doon Hospital, Dehradun where her ailment has been detected

as **FUCBA**, on account of which she is advised to take regular treatment, avoid long journey and high altitude. In this connection the petitioner has filed the certificate issued by the Chief Medical Superintendent, Dehradun, which corroborates the version of the petitioner. From this certificate it comes out that the petitioner is being treated medically by Dr. Harish Basera, Nephrologist at Doon Hospital, Dehradun.

It is contended that taking into account the ailments to which the petitioner is suffering, in the year 2005 the District Education Officer, Tehri Garhwal stayed transfer of the petitioner from Primary School Than to Primary School, Kot with the recommendations that the petitioner may be posted near New Tehri. Further on the basis of health ground of petitioner the Addl. Education Director on 27<sup>th</sup> July 2005 wrote a letter to the District Officer, Tehri Garhwal that the petitioner may not be transferred from Primary School, THAN and if in near future any post is available in New Tehri, she may be adjusted.

The petitioner has also annexed a certificate of Neuro Physician, Doon Hospital, Dehradun with the submission that her husband is also suffering from FUC Multiple PIVD. Submission of the petitioner is that at Khamoli there is no such medical facility available which is required to cure the ailments to which the petitioner and her husband are suffering since long time.

The petitioner has already moved representation before the Addl. District Education Officer, Tehri Garhwal requesting therein that due to her ill health she may be transferred to any school either to Gadolia side or to Koteswar side from where in

any emergency she may get medical aid, but rather taking decision on the representation, she has been transferred by the impugned order ignoring her ailments.

As in the instate case, the respondents have earlier accommodated the petitioner on the medical grounds, in the peculiar circumstances of the case, the matter of transfer in regard to the petitioner can be interfered.

Keeping in view the circumstances mentioned above, I direct the Addl. District Education Officer, Tehri Garhwal/ respondent no. 3 to take decision on the representation of the petitioner dated 22.06.2007 (annexure no. 6 to the writ petition) sympathetically by a speaking order within a period of one month from today, till then the impugned transfer order dated 14<sup>th</sup> June 2007, so far it relates to the petition, shall be kept in abeyance. While taking decision on the representation of the petitioner the Addl. District Education Officer shall take in to consideration the recommendations made by the District Education Officer, Tehri Garhwal. The petitioner is directed to produce a certified copy of this order before the Addl. District Education Officer, New Tehri within a week.

With these directions, the writ petition is finally disposed of. No order as to costs.

**(M.M. Ghildiyal, J.)**

June 28, 2007:

NCM: