

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1434 of 2007 (S/S)

Smt. Deepa Bhatt
W/o Sri Bagwati Prasad Bhatt
Presently working as Assistant Teacher
Primary School, Sintoli / Dharigaon /
Kshetra –Bin, District Pithoragarh.

..... Petitioner

Versus

1. State of Uttarakhand
Through its Secretary Education,
Uttarakhand, Dehradun.
2. Director of Education
State of Uttarakhand, Dehradun.
3. Basic Shiksha Adhikari, Pithoragarh.
4. Smt. Kamla Chaudhary
Assistant Teacher
Primary School Dhari Gaon,
Block Bin, District Pithoragarh.

..... Respondents

Mrs. Pushpa Joshi and Mr. Amit Kapri, Advocates for the petitioners.
Mr. H.M. Raturi, Standing Counsel for the respondents.

Hon. Prafulla C. Pant, J.

Heard learned counsel for the petitioner and learned
Standing Counsel for the respondents.

2) By means of this writ petition, the petitioner has
challenged the order dated 02.06.2007, passed by
respondent No. 2, so far as it relates to the petitioner.

3) From the perusal of the contents of the writ petition it
appears that in the earlier round of litigation, the petitioner

has challenged the impugned order dated 02.06.2007 also, in Writ Petition No. 978 (S/S) of 2007, which was disposed of vide order dated 30th July 2007, directing the respondent authorities to dispose of the representation made by the petitioner. A copy of the order passed in said writ petition, is Annexure -1 to the present writ petition. The order passed in said writ petition is being reproduced below:

“Heard Smt. Pushpa Joshi, learned counsel for the petitioner and Sri N.P. Shah, learned counsel for the respondents.

By means of this writ petition, the petitioner has challenged the order dated 02.06.2007 passed by Block Education Officer, Bin, Pithoragarh by which attachment of the petitioner has been cancelled.

Petitioner has attacked the impugned order on two grounds, first that since her joining she has already completed 12 years in durgam areas. Second that she has not been attached in Primary School, Dhari Gaon but she has been transferred from Oligaon to Dharigaon.

Petitioner has already moved representation dated 19.07.2007 (Annexure No. 9 to the writ petition) raising all her grievances, before respondent No. 3, which is still pending.

In these circumstances, I deem it fit and proper to direct respondent No. 3 to decide the aforesaid representation of the petitioner within a period of four weeks from the date of production of certified copy of this order. Till 31.08.2007 or till the decision

is taken by the respondent No. 3 on the representation of the petitioner, whichever is earlier impugned order dated 02.06.2007 so far as it relates to the petitioner, shall not be given effect to.

Petitioner is also directed to submit the certified copy of this order before respondent No. 3 within a period of one week from today.

With this direction, the writ petition as well as all pending applications are finally disposed of. No order as to costs.”

4) In view of the order dated 30.07.2007, passed in Writ Petition No. 978 (S/S) of 2007, the same impugned order cannot be questioned again and again by filing fresh writ petitions. It is only the order, if any, passed on the representation made by the petitioner, which could have been challenged by the petitioner.

5) Learned counsel for the petitioner submitted that the representation has not been decided by the authority concerned. The petitioner could have complained the alleged disobedience of the order passed by this Court by seeking remedy available under law.

6) In the above circumstances, this writ petition has no force. The writ petition is dismissed in limine. (Stay Application also stands dismissed, accordingly).

(Prafulla C. Pant, J.)

Dt. September 28, 2007.
H.Negi