

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Special Appeal No. 647 of 2015

Rekha Devi Appellant

Versus

State of Uttarakhand and others Respondents

Mr. Tej Singh Bisht, Advocate for the appellant.

Mr. P.C. Bisht, Standing Counsel for the State of Uttarakhand/respondents.

JUDGMENT

Coram: Hon'ble K.M. Joseph, C.J.

Hon'ble V.K. Bist, J.

Dated: 22nd December, 2015

K.M. JOSEPH, C.J. (Oral)

Appellant is the writ petitioner; she was working as an Assistant Teacher in a Primary School , Veshti, Purola District Uttarkashi; her husband is working in Dehradun in government service. On her request, her cadre was changed from one District to another as the cadre of primary school is a district cadre and she was given transfer to Government Primary School, Kalsi, District Dehradun. Appellant did not join and, consequently, appellant came to be suspended along with 15 other teachers. Learned Single Judge dismissed the writ petition.

2. We heard the learned counsel for the appellant and learned Standing Counsel.

3. This is a case, as noted by the learned Single Judge, where the appellant was transferred on her own request. According to her, she is again being put at 'Durgam Area'. Appellant is having a medical condition of Chronic Osteoarthritis, according to her.

4. Having heard the learned counsel for the parties, we are of the view that the order of suspension is to be interfered with subject to the appellant joining at Government Primary School, Khunna, Block Kalsi, District Dehradun with liberty to make a representation seeking posting at

another place. Accordingly, we partly allow the appeal; the order suspending the appellant will stand quashed. This is on condition that appellant will join at Government Primary School, Khunna, Block Kalsi, District Dehradun within a period of 10 days from today. We leave it open to the appellant to make a representation before respondent no. 4 seeking her posting at another place. It will be open to respondent no. 4 to consider the same and take a decision on the same as per law.

(V.K. Bist, J.)
22.12.2015

(K.M. Joseph, C. J.)
22.12.2015

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