HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12492 / 2017

Smt. Nirmala Verma D/o Shri Ram Kishan, Aged About 37 Years, R/o Gali No. 2, Chak 5 E, Chhoti Ramdev Colony, Sriganganagar District Sriganganagar (rajasthan)

----Petitioner

Versus

1. State of Rajasthan Through Principal Secretary to Government, Education Department, Rajasthan Secretariat Jaipur.

2. Director, Elementary Education, Rajasthan, Bikaner.

3. District Education Officer, Elementary Education, Sriganganagar (rajasthan).

----Respondents

For Petitioner(s) : Mr. Praveen Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE VEERENDR SINGH SIRADHANA

Order

31/07/2017

Learned counsel for the petitioner submits that the controversy raised in the instant writ application stands resolved in view of the adjudication made by a Co-ordinate Bench of this Court in a batch of writ applications lead case being SBCWP No. 10232/2016: Smt. Rooplata Meena Vs. State of Raj. & Ors.; wherein after considering the grievances of the petitioners therein, a consent order was made observing thus:

> "After considering various grievances raised by the petitioners and narrated above, it can be redressed, if representation is given by the petitioners within ten days from today and exercise is thereupon undertaken by the department in the following manner

for which their exist agreement between the parties:

(1) The petitioners would make a representation to the respondents raising their grievances against the order of posting. It would be by narrating ground for challenge of the posting. The representation aforesaid would be submitted within a period of ten days from today along with certified copy of this order.

The respondent department i.e. Secondary as well as Elementary Education would immediately notify the vacant posts in different schools and out of which, in which school they are in need of a Teacher. If a vacant post exists in the school, but looking to the strength of the students, the Teacher may not be required then while notifying the vacant post in the school, it would be made clear by the department that against any post or posts, they do not need additional hands. It is agreed that if the department finds that additional hands are not required in a particular school or against a post, then such posts would not be filled by transfer for a period of three months.

(2) The Teachers of Level II posted against the post of Level-I would be transferred back to their post immediately after getting the new recruitees or on availability of the Teacher (Level-I). The said exercise would be undertaken vice-versa i.e. for transfer of Teachers Gr.III appointed on Level-I but transferred against the post of Level-II, if any.

(3) The department would post the Teacher against the post meant for specialised subject if their recruitment was in a particular subject or they are teaching the subject for years together. The Teacher of subject would be transferred to a post of the said subject only so that students may not suffer.

(4) While undertaking the exercise, the department may take into consideration the guidelines

issued on 8 th May, 2016 and 9 th May, 2016. While applying the said guidelines, the effort would be to redress the grievances of the petitioners.

(5) The petitioners would be at liberty to indicate their choice of school other than it is notified by the respondents.

(6) If mutual transfer is sought then it would be dealt with by the department. The request can be accepted because in the case of mutual transfer, it would not affect any one which includes even the department. The prayer for mutual transfer would be between the employees of same level of the post and set up apart from subject, if any.

(7) If the petitioners have already joined the post in pursuance of the orders under challenge, then their joining would not be taken adverse for disposal of the representation and carrying out the directions given.

(8) Apart from the issues referred above, if any other issue exists to seek change of the place of transfer, the petitioners would be at liberty to make a representation showing the ground for it like posting of husband and wife at one place, illness, disability, retirement in few months or any such similar ground.

(9) It is agreed that the representation would be considered by the department within a period of two months with necessary order. The writ petitions stand disposed off with the aforesaid period. A copy of this order be placed in each connected file."

In view of the above, learned counsel for the petitioner submits that for the present; the petitioner would be satisfied, if the State-respondents are directed to consider and decide the case of the petitioner for posting against any vacant post in nearby area, in view of the observations made by this Court in the

case of Rooplata Meena (Supra).

In view of the limited prayer addressed; the instant writ proceedings are closed with a direction to the petitioner to address a comprehensive representation to the State-respondents ventilating her grievance.

In case, a representation is so addressed within the aforesaid period, the State-respondents are directed to consider and decide the same by a reasoned and speaking order as expeditiously as possible in accordance with law. However, in no case later than eight weeks from the date of receipt of the representation along with a certified copy of this order.

With the observations and directions, as indicated above, the writ application as well as stay application stand disposed off.

(VEERENDR SINGH SIRADHANA)J.

SS/205