

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 7610 / 2017

1. Ramesh Chand Regar S/o Shri Hajari Lal Regar, Aged About 42 Years, Resident of Village and Post Bagera, Tehsil Kekri, District Ajmer.
2. Suresh Chand Regar S/o Shri Puran Mal Regar, Aged About 42 Years, Resident of Shivrinar, Dorai Ka Rasta, Kekri, District Ajmer.
3. Sukhmal Jain S/o Shri Bhag Chand Jain, Aged About 48 Years, Resident of Gudha Khurd, District Ajmer.
4. Krishan Gopal Nama S/o Shri Kailash Chand Nama, Aged About 39 Years, Resident of Village and Post Junia, Tehsil Kekri, District Ajmer.
5. Madhu Bakliwal W/o Sohan La Bakliwal, Aged About 48 Years, Resident of Kalyan Colony, Ajmer Road, Kekri, District Ajmer.

-----Petitioners

Versus

1. The State of Rajasthan, Through Its Secretary, Department of Education, Government of Rajasthan, Jaipur.
2. The Director, Secondary Education, Bikaner.
3. The District Education Officer, Secondary Education, (Secondary-I) Ajmer.

-----Respondents

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For Petitioner(s) : Mr. Sushil Solanki  
Mr. Niranjana Patel

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**HON'BLE JUSTICE GOVERDHAN BARDHAR, VACATION  
JUDGE**

**Judgment / Order**

**30/06/2017**

Learned counsel for the petitioner submits that in a bunch of writ petitions led by S.B. Civil Writ Petition No.10232/2016 "Smt.Rooplata Meena Vs. State of Rajasthan & Ors." involving an

identical controversy, the Jaipur Bench of this Court has given liberty to those litigants to submit a representation to the competent authority for ventilating their grievances and thus, the instant with petition may also be decided in light thereof.

The prayer so made is justified.

The Jaipur Bench of this Court decided the above bunch of writ petitions with the following directions:

"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 challenge of the posting. The representation aforesaid would be submitted within a period of 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, 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 of 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 recruits or on availability of the Teacher (Level-I). The said exercise would be undertaken viceversa 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 specialized 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 8th May, 2016 and 9th 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

(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."

(GOVERDHAN BARDHAR)V.J.

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