

Hon'ble Lok Pal Singh, J.

Mr. S.S. Yadav, Advocate for the petitioner.

Ms. Anjali Bhargava, Addl. C.S.C. with Mr. Narain Dutt, Brief Holder for the State.

Heard.

By means of the petition, petitioner has sought following reliefs:

- (i) Issue a writ, order or direction in the nature of mandamus directing the respondent nos. 2, 3 & 4 to decide the case of the petitioner as per Section 27 of the Transfer Act 2017.
- (ii) Issue a writ, order or direction in the nature of mandamus directing the respondent nos. 2, 3 & 4 to take quick decision of the option made by the petitioner dated 19.05.2019.
- (iii) Issue a writ, order or direction nature of mandamus directing the respondent nos. 2,3 & 4 to decide for transferring the petitioner from present working remote place Govt. Girls Inter College, Aithan, Kapkot, Bageshwar to anyone of the opted place situated in District Udham Singh Nagar or Nainital in the light of 13(3) and 17(b) of the Transfer Act, 2017."

Petitioner was initially appointed on the post of Assistant Teacher (L.T. Grade) on 29.12.2006. It is contended that the petitioner is working at GGIC Aithan, Kapkot, District Bageshwar which is situated in a remote area. It is further contended that the petitioner is working since more than 12 years in the said school.

Learned counsel for the petitioner would submit that the petitioner submitted his options for transfer. He would further submit that the transfer list has been issued by the authority concerned but the name of the petitioner did not find place under the Annual Transfer list. He would further submit that the petitioner is most deserving person for annual transfer of this year but her case has not been considered by the authority concerned, which is unsustainable in the eyes of law.

To this, Ms. Anjali Bhargava, Addl. C.S.C. would submit that now the transfer list has been published and the case of the petitioner cannot be considered for transfer in mid academic session. She would further submit that her request may be considered by the authority concerned for transfer in the next academic sessions.

Per contra, learned counsel for the petitioner confined his prayer only to the extent that the petitioner be permitted to move fresh representation before the respondents/authority concerned for redressal of her grievance who shall decide the same in accordance with Rules. The respondent authority shall also be directed to consider the case of the petitioner for transfer in the next academic session positively.

Considering the facts and circumstances that have been brought on record, I dispose of the writ petition permitting the petitioner to make a fresh representation before the respondent /authority concerned for redressal of her grievance within two weeks. If such, a representation is moved by the petitioner, the respondent authority shall decide the same, in accordance with law, by passing a reasoned and speaking order, within a period of six weeks from the date of moving the representation and shall consider the case of the petitioner for transfer in the next academic session.

Pending applications stand disposed of accordingly.

(Lok Pal Singh, J.)

31.10.2020

mamta