

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

ON THE 30th DAY OF OCTOBER 2021

BEFORE

HON'BLE MR. JUSTICE TARLOK SINGH CHAUHAN

&

HON'BLE MS. JUSTICE JYOTSNA REWAL DUA

CIVIL WRIT PETITION No. 6640 of 2021

Between:-

DR. SANTOSH SHARMA,
S/O SH. HARSHA NAND SHARMA,
R/O VILLAGE & POST OFFICE NIRMAND,
TEHSIL NIRMAND, DISTRICT KULLU, H.P.
PRESENTLY POSTED AS ASSOCIATE PROFESSOR
(MUSIC INSTRUMENTAL), GOVERNMENT
COLLEGE BHARMOUR, DISTRICT CHAMBA,
H.P.

....PETITIONER

(BY SH. LALIT KUMAR SEHGAL, ADVOCATE)

AND

1. THE STATE OF HIMACHAL PRADESH
THROUGH ITS PRINCIPAL SECRETARY
(EDUCATION), SHIMLA-2, H.P.
2. THE DIRECTOR OF HIGHER EDUCATION,
SHIMLA, HIMACHAL PRADESH, 171001.
3. THE PRINCIPAL,
GOVERNMENT DEGREE COLLEGE,
BHARMOUR, DISTRICT CHAMBA, H.P.

....RESPONDENTS

(SH. ASHOK SHARMA, ADVOCATE GENERAL WITH
MR. RAJINDER DOGRA, SR. ADDL. A.G AND MR. SHIV
PAL MANHANS, ADDL. A.G.)

This petition coming on for orders this day, **Hon'ble Justice Tarlok Singh Chauhan**, passed the following:

O R D E R

The present petition has been filed with the following substantive reliefs:

- “i) That the respondents may kindly be directed to consider & decide the representation of the petitioner, pending with the respondents, requesting for his transfer from tribal area to soft area, in accordance with law and policy and sympathetically, at the earliest, in the interest of law, justice and fair play.
- ii) That the respondents may kindly be directed to transfer the petitioner, in relaxation & condonation of terms and conditions, if any from present place of posting, tribal area, i.e. Government Degree College Bharmour, District Chamba, H.P. and to post the petitioner preferably at Government College Nankhari, District Shimla, H.P. OR any other station nearer to his native place i.e. Village & Post Office Nirmand, Tehsil Nirmand, District Kullu, H.P., in the interest of law, justice and fair play”

2. Since there is no students in the field of music at Government College, Bharmour for the academic Session 2021-

22, there is no purpose for keeping the petitioner posted there, especially when he is going to superannuate on 30.4.2022. Therefore, in the given facts and circumstances of the case, the petition is disposed of with a direction to the respondents to consider the case of posting of the petitioner as per its administrative exigencies and public interest.

Pending application(s) if any, also stands disposed of.

(Tarlok Singh Chauhan)
Judge

30th October, 2021
(kck)

(Jyotsna Rewal Dua)
Judge