

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 7143 of 2023
Decided on: September 29, 2023

Vijay Kumar	Versus Petitioner
State of Himachal Pradesh and others		.. Respondents

Coram:
Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? ¹

For the Petitioner	:	Mr. Vikrant Chandel, Advocate.
For the respondents	:	Mr. Anoop Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General & Mr. Ravi Chauhan & Ms. Sunaina, Deputy Advocates General.

Sandeep Sharma, Judge (oral):

Being aggrieved and dissatisfied with order dated 22.9.2023 issued by Director Elementary Education, whereby representation having been filed by the petitioner in terms of order dated 6.9.2023 passed in COPC No. 270 of 2023, in CWP No. 296 of 2023, came to be rejected, petitioner has approached this Court in the instant proceedings filed under Art. 226 of the Constitution of India, praying therein to set aside order and issue directions to the respondents to adjust him at Government Primary School Lalri.

2. While putting in appearance on behalf of respondents, Mr. Anup Rattan, Advocate General states that the present petition is not maintainable because earlier vide order dated July, 2023, petitioner was transferred from the post of JBT BRCC Primary to Government Primary School Lalri, Education Block Haroli, but said order was

¹ *Whether the reporters of the local papers may be allowed to see the judgment?*

subsequently withdrawn. Learned Advocate General states that since the petitioner has performed entire service within the radius of 20 kms, no illegality can be said to have been committed by respondents while passing order dated 23.9.2023.

3. Having heard learned counsel for the parties and perused the material available on record vis-à-vis reasoning assigned in the order impugned in the instant proceedings, this court finds no illegality or infirmity therein, as such, no interference is called for. However, , having taken note of the averments contained in the petition that one post of Junior Basic Trained teacher is lying vacant at Government Primary School Lalri, present petition is disposed of by reserving liberty to the petitioner to file a detailed representation to the competent authority, within one week, praying therein for his adjustment at aforesaid school, which in turn shall be decided by competent authority within two weeks, thereafter, in accordance with law. Needless to say, authority shall afford opportunity of hearing to the petitioner and pass speaking order thereafter. However, it is clarified that till the time representation, if filed within one week from today, is not decided by the competent authority, petitioner shall not be compelled to join at the transferred station.

4. The petition stands disposed of in the afore terms alongwith all pending applications.

(Sandeep Sharma)
Judge

September 29, 2023
Vikrant