

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPSS No.1456 of 2022 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Vijay Bhatt, Advocate for the petitioner.</p> <p>Mr. P.C. Bisht, Additional C.S.C. for the State of Uttarakhand.</p> <p>Heard learned counsel for the parties.</p> <p>Petitioner is serving as Assistant Teacher, L.T. Grade in Government Girls High School Bamori, Haldwani, District Nainital. She has been transferred to Government Girls Inter College Dwarahat vide order dated 21.07.2022. Petitioner has challenged her transfer on various grounds.</p> <p>It is contended by learned counsel for the petitioner that petitioner's transfer is in violation of Section 17 (1) (a) of the Transfer Act, 2017, inasmuch as, the persons, who had served for longer period in sugam areas, have been transferred as per their own choice; whereas, option given by petitioner has been ignored. It is further contended</p>

that petitioner's husband is also serving as Assistant Teacher in Atal Utkarstha Government Inter College Kaladhungi, District Nainital, therefore, petitioner's transfer to Dwarahat (Almora) is in violation of Spouse Policy. It is further contended that petitioner's son is studying in Haldwani in IXth Standard and petitioner's mother is 86 years of age, who is ailing, therefore, petitioner's transfer would cause untold hardship to the entire family.

Per contra, learned Additional C.S.C. points out that petitioner has rendered service in sugam areas for 18 years, 9 months and 9 days, therefore, she is liable to be transferred as per the provisions of the Act. He further points out that petitioner had indicated 10 schools in her option and G.G.I.C., Dwarhat was one of them, therefore, it cannot be said that petitioner's option was not considered.

In reply, learned counsel for the petitioner submits that, out of 10 options, her 6th option was G.G.I.C., Dwarhat and other options given by the petitioner were not considered.

This Court is not inclined to go into the issues raised by learned counsel for the petitioner at this stage. However, having regard to the facts & circumstances of the case, the writ petition is disposed of with liberty to petitioner to make representation to Regional Additional Director, Kumaon on or before 30.07.2022. If petitioner makes such representation within the stipulated period, decision thereupon shall be taken, within three weeks thereafter. It shall be open to petitioner to submit representation through e-mail with soft copy of this order.

For a period of four weeks' or till decision on petitioner's representation, whichever is earlier, the order of transfer passed in respect of petitioner, shall be kept in abeyance.

Let a certified copy of this order be issued within 24 hours.

(Manoj Kumar Tiwari, J.)

27.07.2022

Arpan