

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPSS No.2290 of 2023 <u>Hon'ble Pankaj Purohit, J.</u> Mr. S.S. Yadav, learned counsel for the petitioner. 2. Mr. V.S. Rawat, learned Brief Holder for the State. 3. By means of this writ petition, the petitioner has challenged the transfer order dated 09.06.2023 (Annexure no.3) as well as the order dated 24.08.2023 (Annexure no.5), whereby the representation of the petitioner has been rejected. 4. It is case of the petitioner that the petitioner is posted as Assistant Teacher (Primary) at Government Primary School, Baun, Block Dunda, District Uttarkashi from where she was transferred to Government Primary School, Udari, Block Dunda, District Uttarkashi. The ground for transfer of the petitioner was over-stay in the said school and she came under the compulsory transfer. 5. Petitioner feeling aggrieved by the aforesaid transfer order moved a representation dated 28.06.2023 to the District Education Officer (Preliminary Education), Uttarkashi and requested the petitioner to be transferred in any given school in her options and also on the ground that her husband is posted as Assistant Teacher, L.T. Grade (Science and Mathematics) in Government Intermediate College, Garh Barsali, Block Dunda, District Uttarkashi. 6. In the representation, it has been submitted by learned counsel for the petitioner that she has not been transferred to any of the options given by her for her compulsory transfer. 7. The said representation was rejected by the respondent-District Education (Primary) by order dated 24.08.2023, which is impugned in the present writ petition. 8. Yesterday when the matter was taken up, learned State counsel was directed to find out as to whether the

			petitioner has been relieved from the said school or not. 9. Today, learned counsel for the State, armed with written instructions, which are taken on record, submitted that despite rejection of her representation dated 28.08.2023, she did not join at the transferred school and thereafter a notice was issued to the petitioner on 23.09.2023 directing the petitioner to join at the transferred school within three days. It is admitted by the petitioner that till date petitioner has not joined at the transferred place. 10. It is also submitted by learned counsel for the State that vide order dated 20.12.2023, salary of the petitioner has been directed to be stopped. 11. It appears that the petitioner instead of joining at the transferred place came before this Court for filing this writ petition. 12. The writ jurisdiction is available to those persons who come to the Court with clean hands. The phrase goes like that “one who seeks equity must come with clean hands.” In this case the behavior of the petitioner reflects that she wants to hostage the entire education department and therefore despite being rejection of his representation and after a notice on 23.09.2023, whereby she was asked to join at the transferred place within three days, the petitioner abruptly disobeyed those orders and moved this writ petition. 13. In this view of the matter, this Court feels that this is not a case where the discretionary jurisdiction of the Court under Article 226 of the Constitution of India would be invoked. 14. Accordingly the writ petitions stands dismissed. (Pankaj Purohit, J.) 22.12.2023 SK
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