

Court No. - 36

Case :- WRIT - A No. - 10250 of 2023

Petitioner :- Smt Rajeshwari

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Avanish Kumar Upadhyay, Raj
Kumar Upadhyay

Counsel for Respondent :- C.S.C., Archana Singh, Bipin Bihari
Pandey

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 and 2 as well as Smt. Archana Singh, learned counsel appearing for the Respondents No.3, 4 and 5.

2. This court, after hearing this writ petition, passed an order on 26.9.2023, which reads as under:-

"1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 & 2 as well as Smt. Archana Singh, learned counsel appearing for the Respondents No. 3, 4 and 5.

2. Petitioner has applied for her transfer from District Shravasti to District Mathura. Petitioner in her application has claimed weightage marks on medical issue, spouse posting, being female candidate and length of service. Petitioner was given 20 weightage marks regarding medical certificate annexed with the application form thereby her total weightage marks have been calculated as 47 and petitioner was transferred from District Shravasti to District Mathura. Later on it has been found that the medical certificate annexed by the petitioner does not qualify her to be awarded 20 marks and thereby the authorities have reduced the marks by excluding the said 20 marks.

3. Learned counsel appearing for the petitioner has submitted that even if marks awarded to the petitioner towards medical certificate are excluded, her weightage marks come to 27 and teachers having less than 27 weightage marks have been transferred from District Shravasti to District Mathura.

4. This Court has already passed orders in this writ petitioner and direction was issued to Smt. Archana Singh, learned counsel appearing for the Respondents No. 3, 4 and 5 to take instructions in this matter.

5. Today when the matter has been taken up, Smt. Archana Singh has submitted that for looking into the matters where such difficulties are arising, a Committee under the chairmanship of Director, Basic Education, U.P. has been constituted and petitioner's matter has already been referred to the said Committee.

6. Prima-facie I find that the case of the petitioner is absolutely clear as there is no concealment on the part of the petitioner and it was the fault of the authorities who granted the petitioner 20 weightage marks out of the medical certificate annexed along with the application form, therefore, at the most, petitioner is not entitled for the said marks, nevertheless, her case for inter-district transfer cannot be kept pending as petitioner has secured 27 weightage marks and is otherwise eligible for transfer to District Mathura.

7. In the aforesaid circumstances, let Committee headed by the Director, Basic Education take decision in this matter within one week from today and submit the decision before this Court on 06.10.2023.

8. Put up this case on 06.10.2023 as fresh."

3. Today, Smt. Archana Singh, learned counsel appearing for the Respondents No.3, 4 and 5 has produced before this court instructions provided to her by the Secretary, U.P. Basic Education Board, Prayagraj vide his letter dated 15.10.2023, wherein it has been stated that the State Level Committee headed by the Director, Basic Education, U.P., Lucknow has taken decision that petitioner's transfer from district Shravasti to district Mathura is perfectly alright. The State Level Committee has also directed the Secretary, U.P. Basic Education Board, Prayagraj to relieve the petitioner pursuant to transfer order dated 26.6.2023.

4. Smt. Archana Singh, learned counsel appearing for the Secretary, U.P. Basic Education Board, Prayagraj, on the basis of instructions has given undertaking before this court that petitioner shall be relieved from district Shravasti for joining at district Mathura in the winter vacations in the month of January, 2024.

5. Learned counsel appearing for the petitioner has submitted that since undertaking given on behalf of the Secretary, U.P. Basic Education Board, Prayagraj has been recorded by this court that petitioner shall be relieved in the winter vacations in the month of January, 2024, this writ petition is liable to be disposed of in terms of the aforesaid undertaking.

6. In view of the aforesaid reasons, this writ petition is finally disposed of with direction to the Secretary, U.P. Basic Education Board, Prayagraj to relieve the petitioner from district Shravasti latest by 3.1.2024 and thereafter, petitioner shall be permitted to join at district Mathura by 10.1.2024.

6. So far as the issue relating to petitioner's salary is concerned, petitioner is granted liberty to file a representation before the appropriate authority after her joining in district Mathura for the payment of arrears of salary, if any, and once petitioner raises her claim regarding salary, that will be decided by the competent authority expeditiously, preferably within a period of two months from the date of submission of representation.

Order Date :- 16.10.2023
Salim