

Court No. - 36

Case :- WRIT - A No. - 13284 of 2023

Petitioner :- Kumari Garima

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Ramesh Chandra Yadav, Preeti Yadav, Ravi Kant Yadav

Counsel for Respondent :- C.S.C., Archana Singh

Hon'ble Manjive Shukla, J.

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

2. Petitioner through this writ petition has prayed for a direction from this court thereby commanding the Respondent No. 3 to relieve the petitioner for joining on her post pursuant to transfer order dated 26.06.2023, whereby petitioner has been transferred from district Ballia to district Ghazipur.

3. This court after hearing the parties counsels passed an order on 20.9.2023, which is extracted as under:-

"1. In compliance of this court's order dated 28.08.2023 Smt. Archana Singh has produced the instructions before this court provided by the Secretary, U.P. Basic Education Board Prayagraj vide his letter dated 18.09.2023.

2. Learned counsel appearing for the petitioner prays for a weeks' time to file supplementary affidavit in this matter. Time prayed for is allowed.

3. List this matter on 11.10.2023 as fresh. "

4. Today Smt. Archana Singh, learned counsel appearing for the Respondents No.2 and 3 has produced before this court instructions provided to her by the Secretary, U.P. Basic Education Board, Prayagraj vide his letter dated 16.10.2023, 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 Ballia to district Ghazipur 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.

5. 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 Ballia for joining at district Ghazipur in the winter vacations in the month of January, 2024.

6. 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.

7. 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 Ballia latest by **3.1.2024** and thereafter, petitioner shall be permitted to join at district Ghazipur by **10.1.2024**.

8. 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 Ghazipur 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 the representation.

Order Date :- 17.10.2023

Gaurav