

Court No. - 36

Case :- WRIT - A No. - 14184 of 2023

Petitioner :- Seema Verma

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

Counsel for Petitioner :- Om Prakash Verma, Arvind Kumar Maurya

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 has filed this writ petition *inter alia* praying therein for following relief:-

"Issue a writ, order or direction in the nature of mandamus directing the respondents to consider the candidature of the petitioner for her inter-district transfer from District Siddharthnagar to District Kanpur Dehat and further directing the respondents to transfer the petitioner from District Siddharth Nagar to Kanpur Dehat or nearby district like Unnao, Auraiya."

3. Learned counsel appearing for the petitioner has submitted that petitioner's mother-in-law is severely ill and her son is also disabled, therefore petitioner is entitled for her transfer from district Siddharth Nagar to district Kanpur Dehat. Learned counsel appearing for the petitioner has also submitted that petitioner, pursuant to exercise of inter-district transfer carried out in terms of Government Order dated 2.6.2023, has submitted online application for her transfer from district Siddharth Nagar to district Kanpur Dehat, but the respondents in most arbitrary manner have not transferred the petitioner.

4. Per contra, Smt. Archana Singh, learned counsel appearing for the Respondents No. 2 and 3 has submitted that petitioner herself has submitted application form for her transfer from district Siddharth Nagar to district Kanpur Dehat, but from a bare perusal of the application annexed as Annexure No.2 to the writ petition, it clearly comes out that petitioner has not claimed any weightage marks in respect of disease of her mother-in-law or in respect of disability of her son.

5. Smt. Archana Singh, learned counsel appearing for the Respondents No. 2 and 3, on the basis of the instructions, has further submitted that petitioner, on the basis of contents of her

application, could secure only 17 weightage marks, whereas the candidates securing 22 weightage marks have been transferred from district Siddarth Nagar to other districts.

6. I have considered the rival submissions advanced by the learned counsels appearing for the parties and I find that petitioner, while submitting online application for her transfer, has not made any mention in respect of disease of her mother-in-law and has also not mentioned in respect of disability of her son. The respondents, on the basis of contents of the application annexed as Annexure-2 to the writ petition, has evaluated and granted the petitioner 17 weightage marks, which were not found sufficient for her transfer from district Siddarth Nagar to district Kanpur Dehat as the last candidate, who has been transferred from district Siddarth Nagar, has secured 22 weightage marks. This court finds that petitioner's application has been duly considered and since she could not secure the requisite weightage marks, therefore she has not been transferred to district Kanpur Dehat.

7. In view of the aforesaid reasons, this writ petition lacks merit and is accordingly dismissed.

8. However, it is provided that dismissal of this writ petition will not come in the way of petitioner in submitting online application for her inter-district transfer in next academic sessions.

Order Date :- 1.11.2023

Salim