

Court No. - 36

Case :- WRIT - A No. - 14922 of 2023

Petitioner :- Deepa Singh

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

Counsel for Petitioner :- Sunil Kumar Yadav, Yashpal 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 and Smt. Archana Singh, learned counsel appearing for the Respondents No. 2 & 3.

2. Petitioner through this writ petition has prayed for a direction from this court thereby commanding the respondents to consider the transfer of petitioner from district Rampur to district Saharanpur on the ground of her illness.

3. Learned counsel appearing for the petitioner has submitted that in the recent exercise of inter district transfers petitioner submitted an online application for her transfer from district Rampur to district Saharanpur but due to inadvertent mistake she could not annex her medical certificate along with the application, therefore, petitioner's request for transfer has not been considered.

4. Learned counsel appearing for the petitioner has further submitted that petitioner is suffering from cancer and her disease is at the forth stage and therefore, there is extraordinary circumstances, which warrants petitioner's transfer from district Rampur to district Saharanpur.

5. Learned counsel appearing for the petitioner has argued that under Rule 21 of the U.P. Basic Education (Teachers) Services Rules 1981 and Rule 8(2) (d) of the U.P. Basic Education (Teachers) (Posting) Rules, 2008, Secretary, U.P. Basic Education Board, Prayagraj is competent to consider the case for inter district transfer of a teacher in the case where extraordinary circumstances, exist and in the case of petitioner since she is suffering with cancer of 4th stage, therefore, definitely her case can be considered and she can be transferred by exercising the powers conferred under the aforesaid rules.

6. On the other hand Smt. Archana Singh though has opposed the writ petition but has submitted that if petitioner has real difficulty and actually she is suffering from cancer of the 4th stage then she can file a fresh representation before the Secretary, U.P. Basic Education Board, Prayagraj and there her grievance can be looked into and considered.

7. In view of the aforesaid submissions, this writ petition is ***disposed of*** with liberty to petitioner to file a fresh representation, annexing therewith all the documents, before the Secretary, U.P. Basic Education Board, Prayagraj within a period of three weeks from today and if such representation is filed, Respondent No. 2 is directed to consider and decide the said representation by passing speaking and reasoned order within a period of one month thereafter.

8. It is expected from Respondent No. 2 that he will consider the case of the petitioner sympathetically as she is suffering with the cancer of the 4th stage.

Order Date :- 29.11.2023

Gaurav