

Court No. - 36

Case :- WRIT - A No. - 15114 of 2023

Petitioner :- Upasana Dubey

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Narendra Kumar Chaturvedi

Counsel for Respondent :- C.S.C., Archana Singh, Ashish Kumar (Nagvanshi)

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 and Mr. Ashish Kumar (Nagvanshi), learned counsel appearing for the Respondents No. 2, 3 & 4.

2. Learned counsel appearing for the petitioner has submitted that petitioner has filed this writ petition inter-alia praying therein for issuance of a writ of mandamus thereby directing the District Basic Education Officer, Gorakhpur to send the proposal for his transfer from Composite Junior High School, Badua Campierganj, Gorakhpur to any other school of District Gorakhpur, to the Secretary Uttar Pradesh Basic Education Board, Prayagraj.

3. Learned counsel appearing for the petitioner has invited attention of this Court towards order dated 18.09.2023 passed by this Court in Writ-A No. 7814 of 2023 (Shivali Mohan Pandey and Another Vs. State of U.P. and 2 others), wherein, teachers identically placed to that of petitioner were the writ petitioners and Sri Ashish Kumar (Nagvanshi) learned counsel appearing for District Basic Education Officer, Gorakhpur has given undertaking that petitioners shall be allowed to continue at place of their attachment till their cases are considered for transfer at the time of regular transfers.

4. Learned counsel appearing for the petitioner has argued that since petitioner is identically placed to that of petitioners of Writ-A No. 7814 of 2023 (Shivali Mohan Pandey and Another Vs. State of U.P. and 2 others), therefore, petitioner is also entitled for the benefit of the aforesaid order dated 18.09.2023 passed in Writ-A No. 7814 of 2023.

5. Mr. Ashish Kumar (Nagvanshi), learned counsel appearing for

the Respondent No.2 has not denied that petitioner is identically placed to that of petitioners of Writ-A No. 7814 of 2023 (Shivali Mohan Pandey and Another Vs. State of U.P. and 2 others).

6. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, it is provided that till petitioner's case for regular transfer is considered, she shall be permitted to continue to work at the place of her attachment i.e Primary School Mohammadpur, Block-Camperiganj, District Gorakhpur.

7. This writ petition stands ***disposed of*** in the aforesaid terms.

Order Date :- 9.11.2023

Imtiyaz