

Court No. - 35

Case :- WRIT - A No. - 17730 of 2023

Petitioner :- Peetam Singh

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

Counsel for Petitioner :- Vinod Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Vinod Kumar Singh, learned counsel for the writ petitioner and Sri Vijay Pratap Singh, learned Standing Counsel who appears for respondents No. 1 to 3.

2. The case of the writ petitioner is that he was initially appointed as Assistant Clerk and he was promoted as Senior Assistant in the year 2018 and he was earlier posted at Government Inter College, Jasaura, Meerut and thereafter, transferred to the Office of the District Inspector of Schools, Meerut. However, on 28.06.2022 the writ petitioner was transferred from the Office of the District Inspector of Schools, Meerut to the Government Inter College Hastinapur, Meerut. As per the writ petitioner on 30.06.2023 an order under the signatures of Additional Director of Education from the office of Directorate (Basic) Education U.P. at Prayagraj the writ petitioner has been sought to be transferred from the post of Senior Assistant, Government Inter College, Hastinapur, Meerut to the office of Divisional Joint Director of Education, Meerut. As per the writ petitioner, since the post where at the writ petitioner was sought to be transferred there was no post lying vacant so the writ petitioner claims to have represented on 03.07.2023 to be accorded posting in the office of Deputy Director of Education (Madhyamik-I) Mandal, Meerut wherein two posts are lying vacant. However, now by virtue of the order dated 06.10.2023 of the third respondent, Additional Director of Education (Basic) U.P. at Prayagraj he has been transferred to Rajkiya Inter College, Kalchhina, Ghaziabad.

3. Questioning the order dated 06.10.2023 and 30.06.2023 the writ petitioner preferred the present writ petition.

4. Sri Singh, learned counsel who appears for the writ petitioner submits that there are various personal hardships which the writ petitioner is occasioning pursuant whereof he is unable to join the

post in question, he further submits that there was no occasion to have transferred him to Ghaziabad particularly when he had indicated that two posts lying vacant thereon.

5. Learned Standing Counsel who appears for the respondents submits that the issues which the writ petitioner seek to raise needs determination at the first instance by the third respondent, thus, the writ petitioner may represent his cause before the third respondent. He further submits that he does not propose to file any response to the writ petition.

6. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to approach the third respondent by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the third respondent shall decide the claim of the writ petitioner within a period of one month from the date of production of certified copy of the order.

7. Needless to point out that the representation of the writ petitioner shall only be considered provided he joins the post in question under protest and his joining may not be construed to be an expression that he has foregone his claim in that regard.

Order Date :- 6.11.2023

Rajesh