

Court No. - 36

Case :- WRIT - A No. - 20230 of 2023

Petitioner :- Sapna Sachan

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Suryaprakash Sharma, Sheo Kinkar Singh

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 Respondents No. 1 to 3, Sri Shrestha Pratap Singh, Advocate holding brief of Ms. Archana Singh, learned counsel appearing for the Respondents No. 4, 5 & 6.

2. Petitioner has filed this writ petition inter-alia praying therein for the following reliefs:

"a. Issue a writ, order or direction in the nature of Mandamus commanding the respondent no. 4 & 5 to grant the benefit of weightage to the petitioner by awarding 10 marks as per Sl. No. 4 of the Table under Clause-2 (12) of Government Order dated 02.06.2023 (Annexure No. 3 to the writ petition) and provide an opportunity to the petitioner to choose a primary/composite school of her choice in district Fatehpur according to her merit.

b. Issue a writ, order or direction in the nature of Mandamus commanding the respondent no. 4 to decide the representation of the petitioner dated 18.10.2023 (Annexure No. 15 to the writ petition), within a period as may be fixed by this Hon'ble Court.

c. Issue any other suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case, in favour of the petitioner.

d. Award the cost of the writ petition to the petitioner."

3. Facts of the case, in brief, are that petitioner while working on the post of Assistant Teacher in Primary School, Hardoi run by U.P. Basic Education Board applied for inter-district transfer pursuant to recent exercise of inter-district transfers initiated vide Government order dated 02.06.2023. Petitioner's application for inter-district transfer was evaluated and she was awarded 22 weightage marks. On the basis of weightage marks awarded, she has been transferred from District Hardoi to District Fatehpur. Petitioner pursuant to her inter-district

transfer has also been allotted Primary School at District Fatehpur where she has also joined.

4. Learned counsel appearing for the petitioner has also argued that school allotment was to be done on the basis of weightage marks obtained by the petitioner in exercise of inter-district transfer.

5. This court put a specific query to learned counsel appearing for the petitioner as to where is the provision that school allotment in the transferred district shall be done as per the weightage marks obtained by the teacher in evaluation of her application for inter-district transfer. Learned counsel appearing for the petitioner has utterly failed to point out any such provision.

6. Even otherwise, this court is of the view that petitioner has already been granted inter-district transfer and she has been allotted a Primary School at District Fatehpur where she has joined, therefore, now there is no occasion for this court to interfere with the allotment of schools done at District, Fatehpur.

7. Allotment of school within the District is purely an administrative arrangement and lies in the domain of administrative authorities. This court has no occasion to exercise its extraordinary jurisdiction provided under Article 226 of the Constitution of India to interfere in the said process of allotment.

8. Accordingly, the writ petition filed by the petitioner is wholly misconceived and is accordingly dismissed.

Order Date :- 6.12.2023

A. Mandhani