

Court No. - 20

Case :- WRIT - A No. - 6287 of 2023

Petitioner :- Jagdish Singh

Respondent :- State Of U.P. Thru. Addl.Chief Secy. Vocational Education And Skill Development Deptt. And 2 Others

Counsel for Petitioner :- Girish Chandra Verma

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. On 24.08.2023, the following order had been passed:-

"1. Heard learned counsel for petitioner and learned State Counsel for opposite parties.

2. Under challenge are the orders dated 28th June, 2023 and 07th August, 2023 whereby the petitioner has been transferred from District Unnao to District Shrawasti on the post of Principal, G.I.T.I. and the order dated 19th July, 2023 whereby his representation has been rejected.

3. It has been submitted that in paragraph 10 of writ petition, petitioner has specifically indicated the fact that other persons who have been posted in the district for about 10 years and 5 years have not been disturbed, whereas petitioner who has completed more than three years has been disturbed which amounts to discrimination. It is also submitted that the post is still lying vacant without any posting in petitioner's place.

4. Learned State Counsel is granted a week's time to obtain instructions with regard to same.

5. List on 04th September, 2023 as fresh. In the meantime petitioner may not be compelled to join at the place of transfer."

3. In pursuance thereof, learned State Counsel has been provided written instructions dated 11.10.2023 issued by the Additional Director (Training and Apprentice), Lucknow.

4. In point six of the instructions, the opposite parties have clearly admitted that one Shri Ratnakar Singh and Shri Amit Dwivedi, Assistant Directors have not been transferred along

with the petitioner looking to their experience and requirement with regard to work.

5. The aforesaid point number six of the instructions, therefore, clearly admits the allegations levelled in paragraph 10 of the writ petition that the aforesaid two persons have been posted in their current place of posting for ten years and five years respectively whereas petitioner has been posted for three years and one month. No cogent reason has been indicated in the instructions for such a discrimination between persons holding the same post.

6. In view of aforesaid, the impugned transfer order dated 07.08.2023 and 28.06.2023 is hereby quashed by issuance of writ in the nature of certiorari.

7. Consequences to follow, accordingly, the writ petition succeeds and is **allowed**. Parties to bear their own costs.

Order Date :- 17.10.2023
Mohd. Sharif