

Court No. - 7

Case :- WRIT - A No. - 8118 of 2023

Petitioner :- Dharmendra Kumar Trivedi And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Basic Education Lko.
And 2 Others

Counsel for Petitioner :- Umesh Kumar Tiwari, Vivek Kumar Rai

Counsel for Respondent :- C.S.C., Ran Vijay Singh, Uday Veer Singh

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for respondents no. 1, Shri Ran Vijay Singh, learned counsel for respondent no. 2 and Dr. Uday Veer Singh, learned counsel for respondent no.3.

2. With the consent of learned counsels appearing for the contesting parties, the writ petition is being finally decided.

3. Learned counsels for the parties states that the facts of the case have already been set forth in detail vide orders dated 18.10.2023 and 23.11.2023.

4. For the sake of convenience, the orders dated 18.10.2023 and 23.11.2023 respectively are reproduced below:

Order dated: 18.10.2023

"1. Heard.

2. The contention of learned counsel for the petitioner is that both the petitioners had applied for mutual transfer. On account of certain technical defects though the name of petitioner no.2 has been indicated in the list of applicants who had applied for mutual transfer which had been issued by the respondents, a copy of which has been filed as Annexure-6 to the writ petition, yet the name of petitioner no.1 has not been indicated with the result that the mutual transfer, if approved by the competent authority, would not get approved. It is contended that the petitioner no.1 had raised a grievance before the concerned Basic Shiksha Adhikari who vide his letter dated 25.08.2023, a copy of which is Annexure-9 to the writ petition, has indicated the said fact but to no avail.

3. Dr. Uday Veer Singh, learned counsel appearing for the BSA and Sri Ran Vijay Singh, learned counsel appearing for the Secretary, Basic Education Parishad, pray for and are granted a week's time to seek instructions in the matter as to why the name of the petitioner no.1 has not been indicated in the list issued for the said purpose. List after a week as fresh."

Order dated: 23.11.2023

"1. Heard.

2. In pursuance to the order of this Court dated 16.11.2023, Sri Pratap Singh Baghel, Secretary, Uttar Pradesh Basic Education Parishad, Prayagraj, is present in Court.

3. At the very outset, Sri Ran Vijay Singh, learned counsel for respondent no.2, and Dr. Udai Veer Singh, learned counsel for respondent no.3, state that the piquant situation which arose on 16.11.2023 arose on account of lack of coordination between the respective counsels itself and had got nothing to do with sending/non-sending of the instructions by respondent no.2 Both the learned counsels express apology for the same which in the circumstances of the case is accepted.

4. Sri Pratap Singh Baghel, respondent no.2, present in Court states that the first application of the petitioners was received on 13.06.2023. As there was an error in the said application consequently the petitioners had prayed for correction of the same and the data was re-set. The petitioners thereafter applied on 08.08.2023 but the data again appears to have been re-set which has been found to have been done by the BSA under his ID and by a third party which had no concern with re-setting of the data. It is contended that the matter is being looked into. However, Sri Singh states that second round for mutual transfer would be opening shortly and it would be open for the petitioners to apply for the same and their application would be considered in accordance with law.

5. Responding to that, learned counsel for the petitioners states that the petitioners are willing to wait for the investigation report to be submitted and are not willing to apply in the second round of mutual transfer.

6. Let the investigation report in this regard be submitted by the learned counsel appearing for respondent no.2 as and when the said investigation is completed.

7. List this case after three weeks as fresh.

8. The officer present in Court need not appear again unless specifically called for."

5. Today, Sri Ran Vijay Singh, learned counsel appearing for the respondent no. 2/Secretary Uttar Pradesh Basic Education Parishad Prayagraj informs that the name of the petitioner no. 1 has been directed to be corrected and put in the list for pairing for the purpose of mutual transfer.

6. Considering the aforesaid, it is apparent that the correction which was required to be done with regard to the pairing of the petitioners no. 1 and 2 for the purpose of mutual transfer has been done. The only thing that is required to be done now is an order to be passed in this

regard by the respondent no. 3 i.e. Basic Education Officer, Barabanki.

7. Keeping in the view the aforesaid, the writ petition is **disposed of** with the direction to the respondent no. 3 to pass an order pertaining to the application for mutual transfer preferred by the petitioners within two weeks from today.

8. Consequential orders as are required to be issued by the authorities shall also be passed within the aforesaid period.

Order Date :- 20.12.2023

Mohit Singh/-