

Court No. - 7

Case :- WRIT - A No. - 9237 of 2023

Petitioner :- Ekta Mishra @ Ekta Shukla

Respondent :- State Of U.P. Trhu. Prin. Secy. Basic Edu. Lko. And 3 Others

Counsel for Petitioner :- Amit Srivastava, Anand Dubey, Vidhi Pandya

Counsel for Respondent :- C.S.C., Sarvesh Kumar Dubey

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner, learned Standing counsel appearing on behalf of the respondents no. 1 & 3, Sri Sarvesh Kumar Dubey, learned counsel appearing on behalf of the respondent no. 2 and Sri Ran Vijay Singh, learned counsel appearing on behalf of the respondent no. 4.

With the consent of learned counsel appearing on behalf of the contesting parties, the instant writ petition is being finally decided.

Under challenge is the order dated 01.11.2023 whereby the petitioner who was working in the Kasturba Gandhi Balika Inter College has been transferred from one school in a district to another school in the same district.

Various grounds have been raised in the petition raising a challenge to the order impugned. However, keeping in view the law laid down by the Apex Court in the case of **S.C.Saxena Vs. Union of India and Ors** reported in **(2006) 9 SCC 583** wherein the Apex Court has held that a Government servant cannot disobey a transfer order by not reporting at the place of posting and then go to a Court to ventilate his grievance rather it is his duty to first report for work where he is transferred and make a representation as to his grievance as such, considering the aforesaid, the present petition is disposed of requiring the petitioner to join in the transferred school within a week from today. After her joining, it would be open for the petitioner to make a representation for the redressal of her grievance to the respondent no. 3 i.e District Magistrate/Chairman, Zila Shiksha Pariyojana Samiti, Pratapgarh. In case, such a representation is made after her joining at the transferred place within a period of one week from today then the respondent no. 3 shall proceed to consider the same in accordance with law and the relevant guidelines within a further period of four weeks from the date of receipt of such representation along with certified copy of this order.

Order Date :- 2.12.2023

Pachhere/-