

GAHC040009652024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/306/2024

Samhang Songthing
Son of Shri Tara Songthing,
permanent resident of Village Soha,
PO and PS Deomali,
Tirap District,
Arunachal Pradesh
792129
and presently residing at Noksen colony,
Deomali,
PO and PS Deomali,
Tirap District,
Arunachal Pradesh
792129

VERSUS

The State of AP and 3 Ors
represented by the Commissioner (Education),
Govt of Arunachal Pradesh,
Itanagar

2:The Secretary Education
Age: 0
Occupation :
Govt of Arunachal Pradesh
Civil Secretariat
Itanagar 791111

3:The Director Secondary Education
Age: 0
Occupation :
Govt of Arunachal Pradesh
Itanagar 791111

4:The Deputy Director
Age: 0
Occupation :
School Education
Khonsa
Tirap District
Arunachal Pradesh 79213

Advocate for the Petitioner : Sunil Mow

Advocate for the Respondent : Taba Tagum

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 02.08.2024

Heard Mr. S. Mow, learned counsel for the petitioner.

2. By filing this writ petition, the petitioner has put to challenge the order dated 11.07.2024, whereby the petitioner is sought to be transferred from GSS Soha to GUPS, Kenon as Trained Graduate Teacher (TGT for short) on the ground that same violates Clause-9 (XVI) of the Teachers Transfer & Posting Policy, 2019-2020 (Education).

3. It is contended that the petitioner is working as a TGT and was last posted at GSS Soha. Petitioner is on the verge of retirement within 18 months. It is the contention of the learned counsel for the petitioner that the impugned order is in violation of Clause-9 (XVI) of the Teachers Transfer & Posting Policy, 2019-2020 (Education) whereby it provides that teachers having 24 months or less than that before retirement shall generally not be transferred, though they have completed their 5 years in the same school, as it may otherwise affect the

preparation of their pension papers etc. unless the teacher herself/himself has sought transfer.

4. Mr. Mow, learned counsel for the petitioner submits that the petitioner has filed a representation before the competent authority for reconsideration of the transfer order and granting home posting choice at any GPS or GUPS within Deomali town on superannuation ground, however, the same has not been considered and disposed of till date. Therefore, he prays that the Secretary of Education, Government of Arunachal Pradesh may be directed to dispose of the representation dated 16.07.2016.

5. Mr. T. Tagum, learned standing counsel for the Education Department representing the respondent Nos. 1 to 4 fairly submits that he has no objection if the writ petition is disposed of with a direction to dispose of the representation filed by the petitioner dated 16.07.2024.

6. Having considered the limited prayer and also considering that the Clause-9 (XVI) of the Teachers Transfer & Posting Policy, 2019-2020 (Education), notified vide dated 10.02.2020 by the department of Education which provides that the Teachers Transfer & Posting Policy, 2019-2020 (Education) whereby it provides that teachers having 24 months or less than that before retirement shall generally not be transferred, though they have completed their 5 years in the same school, as it may otherwise affect the preparation of their pension papers etc. unless the teacher herself/himself has sought transfer, I deem it appropriate to dispose of the writ petition, at the motion stage itself, with a direction to the respondent No. 2 i.e. the Secretary, Education, Government of Arunachal Pradesh to take up the representation filed by the petitioner dated 16.07.2024 in accordance with the applicable guide lines.

7. Accordingly, writ petition stands disposed of with a direction to the respondent No. 2 to consider and dispose of the representation filed by the petitioner dated 16.07.2024 within a period of 15 days from the date of the receipt of the certified copy of this order.

8. Till the disposal of the representation, status-quo, as on today, shall be maintained.

JUDGE

Comparing Assistant