



2026:UHC:467

SL. No.	Date	Office Notes, reports, orders or proceedings or directions or Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPSS/ 53/ 2026</u> <u>Hon'ble Subhash Upadhyay, J.</u> Mr. Anil Kumar Bisht, learned counsel for the petitioner. 2. Mr. Dinesh Bankoti, learned Brief Holder for the State. 3. Learned counsel for the petitioner had filed a Writ Petition No. 1782 (S/S) of 2025, in which, the Coordinate Bench of this Court vide order dated 11.11.2025 disposed of the said writ petition granting liberty to the petitioner to approach the competent authority for her regular transfer to a place of her choice by making a representation. 4. Vide impugned order dated 26.12.2025, the District Education Officer, rejected the said representation made by the petitioner on the ground that the institute where the petitioner was seeking transfer, i.e., the Primary School Naini, Karnprayag, Chamoli, there is no vacancy of the Head Master. 5. On 08.01.2026, the State counsel was directed to seek instructions in the matter. Learned counsel for the State submits that the vacancy in the said institute does not exist on account of the fact that the students in the institute are less than 150. 6. Learned counsel for the petitioner submits that the said issue was considered by this Court in Writ Petition No. 1989 (S/S of 2024, whereby the Coordinate Bench on 16.05.2025 allowed the said Writ Petition and directed the respondents that merely on the basis of the students' strength, the



		counselling and transfer of the petitioners cannot be denied. The order dated 16.05.2025 reads as under: <i>“The respondents are directed that merely on the basis of students’ strength, the counselling and transfer of the petitioners should not be denied. The respondents are further directed to consider the transfer of the petitioners unaffected by the number of students in the basic schools.”</i> 7. Learned counsel for the petitioner thus submits that there is a vacancy in Primary School Naini, Karnprayag, District Chamoli and, as such, the rejection of the representation of the petitioner, on the ground that there exist no vacancy is improper. 8. Having heard the learned counsel for the parties the Court is of the view that the representation of the petitioner has been rejected arbitrarily and in violation of the orders passed by the Court. The respondents shall reconsider the case of the petitioner for posting in the institute Government Primary School, Naini, Karnprayag, District Chamoli without being influenced by the impugned order dated 26.12.2025. The said exercise shall be completed within a period of two weeks from today. 9. Till the disposal of the representation the petitioner shall not be relieved from the present place of posting. 10. With the observations, the writ petition is disposed of finally. (Subhash Upadhyay, J.) 10.01.2026 Kaushal
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