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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment delivered on: 11.10.2022

+ W.P.(C) 14394/2022

RK MISHRA

..... Petitioner

Versus

THE COMMISSIONER, KENDRIYA VIDYALAYA
SANGATHAN & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Anukul Raj, Mr. Devesh, Ms. Nikita Raj, Mr. Mukul Lather, Mr. Anubhav Singh and Mr. Shravan Y., Advocates

For the Respondents: Mr. S. Rajappa and Mr. R. Gowrishankar, Advocates

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

C.M. No. 43953/2022 (Exemption)

1. Allowed subject to all just exceptions.

W.P.(C) 14394/2022 and C.M. Nos.43951/2022 and 43952/2022

2. Petitioner impugns order dated 26.07.2022 whereby the Original Application filed by the Petitioner seeking transfer to



Kendriya Vidyalaya, Jaipur from Kendriya Vidyalaya, Pali has been dismissed.

3. Petitioner was earlier posted at Kendriya Vidyalaya, Jaipur as TGT (English) and was transferred to Kendriya Vidyalaya, Pali by order dated 07.09.2019. Said transfer was challenged by the Petitioner though unsuccessfully and there have been several rounds of litigation between the parties.

4. To put a quietus to the entire dispute, learned counsel for the Petitioner submits that since the Petitioner's family is in Jaipur and his wife also being a Kendriya Vidyalaya employee and posted in Kendriya Vidyalaya, Jaipur, he would be satisfied in case the request of the Petitioner is considered for transfer from Pali to Jaipur.

5. Learned Counsel for the Respondent submits that Tribunal has granted an opportunity to the Petitioner to seek transfer in terms of the extant policy. He, however, submits that in view of the present prevailing circumstances, Kendriya Vidyalaya has decided not to effect the Annual Transfer Policy, however, is exercising the power of transfer only on administrative grounds. He, however, fairly concedes that there is a policy of 'Request Transfer', whereunder employees can make a request for transfer, however, the transfer is effected keeping in view the administrative exigency and on case-to-case basis.

6. In view of the above, learned counsel for the Petitioner submits that Petitioner shall be making a request for a Request Transfer in terms of the policy of the Kendriya Vidyalaya.



7. Accordingly, petition is disposed of with liberty to the Petitioner to make an application under the Request Transfer Policy, particularly Rule 16(b) of the KVS Transfer Guidelines.

8. On an application being made, Respondents are directed to consider the same in accordance with law within a maximum period of four weeks from the receipt of the application.

9. It is clarified that at the time of consideration of the application, Respondents shall not be influenced by anything stated in any of the earlier orders or the orders of the Tribunal on merit and the application shall be considered on its merits keeping in view of the Request Transfer Policy.

10. Petition and the application filed herewith are accordingly disposed of in above terms.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

OCTOBER 11, 2022/yg