



2024: DHC: 2516-DB



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

Date of decision: 01.04.2024

- + W.P.(C) 3620/2024, CM APPL. 14953/2024 -Ex. & CM APPL. 14954/2024 -Ex. (record).
- + W.P.(C) 3627/2024 & CM APPL. 14965/2024 -Ex
- + W.P.(C) 3688/2024 & CM APPL. 15178/2024 -Ex
- + W.P.(C) 3724/2024 & CM APPL. 15340/2024 -Ex
- + W.P.(C) 3743/2024, CM APPL. 15424/2024 -Int. Dir. & CM APPL. 15425/2024 -Ex.
- + W.P.(C) 4141/2024 & CM APPL. 16937/2024 -Int. Dir
- + W.P.(C) 4199/2024, CM APPL. 17156/2024 -Int. Dir. & CM APPL. 17157/2024 -Ex.
- + W.P.(C) 4210/2024, CM APPL. 17215/2024 -Int. Dir. & CM APPL. 17216/2024 -Ex.
- + W.P.(C) 4236/2024, CM APPL. 17258/2024 -Int. Dir. & CM APPL. 17259/2024 -Ex.

SHEEKHA AHLUWALIA
RITU MANN
KAMLESH SONI
ANUPAMA
RITU AGGARWAL
BIPIN KUMAR PANDEY
PRIYANKA
SHABANA REHMAN
KIRTI NIGAM

..... Petitioners

Through: Ms. Tanvi Dubey, Ms. Prachi and
Mr. Ganesh Kumar Reddy,
Advocates in item no. 1 to 4.
Mr. Malaya Kumar Chand, Advocate
in item no. 5 to 9.

Versus

KENDRIYA VIDYALAYA SANGATHAN AND ORS.



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..... Respondents

Through: Mr. S. Rajappa, Advocate for KVS
(*through video conferencing*).
Ms. Akanksha Kaul, Mr. Aman
Sahani, Mr. Satya Sabharwal,
Advocates for UOI in item no. 1
(*through video conferencing*).
Mr. Kamal Kant Jha, Sr. Panel
Counsel with Mr. Avinash Singh,
Advocate for UOI in item no. 3
(*through video conferencing*).
Mr. Vivek Goyal, CGSPC with Mr.
Gokul Sharma, Advocate for UOI in
item no. 4.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

REKHA PALLI, J (ORAL)

1. The present batch of writ petitions under Articles 226 and 227 of the Constitution of India seek to assail different but similar orders passed by the learned Central Administrative Tribunal. Vide the impugned orders, while issuing notice in the original applications preferred by the petitioners challenging their transfer orders issued by the respondents, the learned Tribunal has failed to grant them any interim protection thereby leading to a situation whereby these petitioners, despite continuing on the rolls of the respondents, are not rendering service in any school whatsoever.
2. It is the common case of the parties that the transfer policy dated 12.09.2022 pursuant whereto the transfer orders assailed by the



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petitioners by way of O.As pending before the Tribunal stands quashed by the Jabalpur Bench of the Madhya Pradesh High Court on 19.10.2023. The said order of the Jabalpur Bench was assailed before the Apex Court by way of SLP (Civil) No. 245825/2023, which petition has been disposed of vide order dated 19.03.2024 by accepting the proposal of the respondents to recall all the transfer orders issued under the transfer policy dated 12.09.2022 and issue a fresh transfer policy. In terms of these directions issued by the Apex Court, the respondents are required to display the available vacancies as on 31.01.2024 on its website so that all the concerned teachers can give three options. We are informed that a circular in accordance with these directions of the Apex Court has already been issued by the respondents on 27.03.2024.

3. Learned counsel for the respondents submits that now that the petitioners are required to submit fresh options and the transfer orders assailed by them before the learned Tribunal stand withdrawn, nothing survives for adjudication in the present petitions. He, therefore, prays that the petitions be disposed of by directing the petitioners to submit their fresh options in accordance with the circular dated 27.03.2024.

4. On the other hand, learned counsel for the petitioners, while conceding that challenge to the impugned orders has now been rendered infructuous, pray that till the petitioners submit their fresh options, they be permitted to join their original place of posting, as has been directed by this Court in a batch of petitions including W.P.



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(C) 1977/2024. They further submit that the order passed by this Court in W.P. (C) 1977/2024 on 16.02.2024 was challenged by the respondents before the Apex Court by way of SLP (Civil) No. 6544/2024, which SLP has been disposed of without interfering with the directions issued by this Court by clarifying that the parties would now be governed by the order dated 19.03.2024 passed in SLP (Civil) No. 245825/2023.

5. Having considered the submissions of learned counsel for the parties, we are of the view that Mr. Rajappa is correct in urging that the parties will now be bound by the terms of the proposal as approved by the Apex Court in its order dated 19.03.2024 and would therefore be governed by the new transfer policy formulated by the respondents. Further, in terms of the directions issued by the Apex Court, all the transfer orders issued in terms of policy dated 12.09.2022 will stand withdrawn and they will now be required to submit three fresh options, based on which they may be again transferred by the respondents. Accordingly, we are of the view that the petitioners' challenge to these transfer orders pending before the learned Tribunal has been rendered infructuous. We, however, find merit in the petitioners' plea that till the time they submit their three options and fresh transfer orders are passed in terms of the circular dated 27.03.2024, they ought to be permitted to discharge their duties at their original place of posting as was directed in W.P. (C) 1977/2024 and various other connected petitions including W.P. (C) 2623/2024.



6. In the light of the aforesaid, we are of the view that to enable the petitioners to submit their fresh options as per the circular dated 27.03.2024, issued by the respondents, it will be in the interest of justice that the petitioners, who are qualified teachers and are today not rendering any service, ought to in the *interregnum* be permitted to join their original place of posting. While coming to this conclusion, we are taking note of the fact that the transfer orders pursuant where to they were sought to be removed from their present place of posting stand quashed as the result of the directions issued by the Apex Court and the respondents have been granted four weeks time from the date of receipt of the options to pass fresh transfer orders.

7. The writ petitions are accordingly, disposed of by directing that till the fresh posting orders are passed by the respondents, the petitioners will in the *interregnum* be permitted to re-join their initial place of posting as was directed in W.P. (C) 1977/2024. It is made clear that the petitioners will subject to any available legal remedies be governed by the fresh transfer orders, as may be passed by the respondents.

8. Learned counsel for the petitioners assure the Court that since they will now be governed by the fresh transfer orders as may be passed by the respondents in accordance with the liberty granted by the Apex Court on 19.03.2024, they will withdraw their pending O.As before the learned Tribunal.

9. The writ petitions alongwith all accompanying applications



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are, accordingly, disposed of in the aforesaid terms.

(REKHA PALLI)
JUDGE

(TUSHAR RAO GEDELA)
JUDGE

APRIL 1, 2024

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