



2024:DHC:6052-DB



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

% ***Date of decision: 12th August, 2024***

+ **W.P.(C) 11115/2024 & CM APPL.45978-80/2024**

**COMMISSIONER KENDRIYA VIDYALAYA SANGATHAN
& ORS.**

....Petitioners

Through: **Mr. S. Rajappa, Mr. R. Gowrishankar
and Ms. G. Dhivyasri, Advocates**

versus

SMT MANISHA YADAV

.....Respondent

Through:

CORAM:

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT
HON'BLE MR. JUSTICE GIRISH KATHPALIA**

J U D G M E N T (oral)

1. The present petition has been preferred by petitioners under Articles 226 and 227 of the Constitution of India seeking issuance of a writ of certiorari for setting aside/ quashing of judgment and final order dated 29.05.2024 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No.3766/2023, whereby petitioner has been directed to reconsider and revisit the case of respondent in terms of her choice of posting within 30 days.

2. Brief facts of the case are that on 09.09.2023, the respondent joined the petitioner-organization as Primary Teacher and on 28.02.2019, she was promoted to the post of Post Graduate Teacher (Eco.). Vide notification dated 30.06.2023, petitioner issued new transfer guidelines. Subsequently,



2024:DHC:6052-DB



the respondent was transferred from Kendriya Vidyalaya, Manesar, Gurugram to Kendriya Vidyalaya Jetpur, Gujarat on displacement basis.

3. The respondent preferred representation dated 05.08.2023 to modify her transfer station by considering station of her choice or any other nearby school. The respondent also filed OA No.2691/2023 before the Tribunal seeking quashing of transfer order dated 04.08.2023 in respect of her and order dated 01.11.2023. The said OA was disposed of by learned Tribunal vide judgment and order dated 04.09.2023 whereby direction was issued to the petitioner to consider respondent's representation dated 05.08.2023 by passing a speaking order. For non-compliance of order dated 04.09.2023 by the petitioner, the respondent preferred contempt proceedings being C.P.731/2023.

4. The petitioners Memorandum dated 01.11.2023 in compliance of the order dated 04.09.2023, against which the respondent preferred another O.A. being O.A. No. 3766 of 2023, wherein vide impugned order dated 29.05.2024, the learned Tribunal has set aside the order dated 04.08.2023 in respect of respondent and order dated 01.11.2023.

5. The challenge to the impugned order dated 29.05.2024 passed by learned Tribunal is on the ground that the learned Tribunal did not consider that the respondent is not entitled to be posted as she was transferred in terms of displacement count that she has been displaced to accommodate a teacher who had completed hard station tenure and the transfer policies are always in the form of executive guidelines which have no statutory force.

6. Today, Mr. S. Rajappa, learned counsel for petitioners, on instructions, has made statement before this Court that in compliance of order dated 29.05.2024 passed by learned Tribunal in OA 3766/2023, the



2024:DHC:6052-DB



order qua transfer of respondent shall be passed within one week and thus, a prayer is made to stay the proceedings in CP No.731/2023 before learned Tribunal.

7. In the light of the statement made by learned counsel appearing on behalf of petitioners, we hereby direct the competent authority to pass transfer orders in respect of respondent in terms of impugned order dated 29.05.2024 passed by learned Tribunal within one week. Till then, the proceedings in contempt petition pending before learned Tribunal shall remain stayed.

8. With the directions as aforesaid, the present petition and pending applications are disposed of.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

AUGUST 12, 2024

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