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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 17972/2024, CM APPL. 76506/2024

URVASHI CHAUHAN

.....Petitioner

Through: Mr. Malaya Kumar Chand,
Adv. with petitioner in person

versus

KENDRIYA VIDYALAYA SANGATHAN
& ANR.

.....Respondents

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

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE AMIT MAHAJAN****JUDGMENT (ORAL)**

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07.01.2025**C. HARI SHANKAR, J.**

1. This litigation is a fall out of the following order dated 19 March 2024 passed by the Supreme Court in *Kendriya Vidyalaya Sangathan v Neena Khatri*¹:

“1. Heard Mr. R. Venkatramani, learned Attorney General assisted by Mr. S. Rajappa, learned counsel appearing for the petitioners. Also heard Mr. Siddharth R. Gupta and Mr. Ankur Chhibber, learned counsel appearing for the respondents.

2. On 01.12.2023, when these cases were last listed, the following order was passed:

“Heard Mr. R. Venkataramani, learned Attorney General for India appearing for the petitioners. The learned Attorney General submits that as the present matter pertains to large scale transfer of teachers of Kendriya Vidyalayas and regular recruitment process has been undertaken, the

¹ SLP (C) 24825/2023



Kendriya Vidyalaya Sangathan may like to revisit the process of rationalisation of the teachers, in the Kendriya Vidyalaya Sangathan Schools. Accordingly, he prays for time to receive further instructions.

3. The affidavit filed thereafter on 01.02.2024 by the Joint Commissioner (Personnel), Kendriya Vidyalaya Sangathan (“KVS”) indicates that the decision has been taken to drop the transfers insofar as the present group is concerned. Then the cases of individual teachers will be considered in light of the process incorporated in the affidavit.

4. The learned Attorney General would submit that since normal teaching work was affected during the pandemic years when classes had to be taken in the online mode and the students faced serious difficulties in the learning process through the online mode, rationalisation of teachers and re-distribution of the existing human resources was proposed, to deal with the exigencies in the KVS schools.

5. Accordingly, the KVS had identified the schools which are short of regular teaching staff on their rolls and those schools which were having 80% or more regular teaching staff on their rolls as per available vacancies, on an all-India basis. The criteria of transfer were then based inter alia on the station seniority (All India/Cadre/Subject-wise), who had the longest posting in the concerned station. It is also submitted that the teachers who were transferred in September 2022 were such teachers, who have been posted in a given station, for more than ten years. Under the said policy, to deal with the exigencies, around 1455 transfers have been affected and this is projected to be 4% of the total teaching strength in the schools, under the KVS. It is further pointed out that while affecting these transfers, the needs of the students were of paramount consideration and the organisational interest was also borne in mind. According to the KVS authorities, the annual transfer process under the KVS was suspended for the Academic Session 2022-2023, to deal with the pandemic years.

6. Following the assurance given by the learned Attorney General to this Court on 01.12.2023, an exercise was carried out and a process is proposed to deal with the 1455 transfers. The proposed process reads as under:



“Proposed Process

1. The available vacancies as on 31.01.2024 will be displayed to all concerned through KVS website. The teachers will be given option for being posted in a station other than from the station from where they were transferred (original KVs).
2. The three choices of Stations from among the identified employees out of those who were transferred in September-2022 may be collected through dedicated E-mail ID, duly signed copy by the employee concerned and counter signed by his/her controlling officer.
3. The priority will be seniority of age (DoB) irrespective of gender. In case of a tie(same DoB), females will be given preference.
4. That on receipt of choices that will be given the process of posting the employees shall be effected within four weeks.
5. All pending cases will be dropped in terms of the orders to be passed by the Hon'ble Supreme Court and further enlargement of option will not be entertained thereafter.”
7. As can be seen from above, the transfer orders which have been challenged by the individual teachers are to be dropped by the authorities. The concerned teachers (1455 in number) will be given the option as per the extracted proposal.
8. Having considered the above in light of the submission made by the learned counsel for the parties, we are of the considered opinion that a decision should be permitted to be taken by the KVS in light of the above proposal.
9. However, as in the meantime, there could be gap period for some of the transferred teachers, the KVS authorities will regularise the gap period, by appropriate orders.
10. With the above, the Special Leave Petitions stand disposed of. Pending application(s), if any, shall stand



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closed.”

2. Consequent on the directions issued by the Supreme Court in the afore-extracted order, the Kendriya Vidyalaya Sangathan², under notice dated 27 March 2024, circulated a list of vacancies available at various stations as on 31 January 2024.

3. There is no dispute about the fact that Ghaziabad, Meerut, Mathura, Kanpur, Lucknow and Patna were all indicated as stations at which vacancies were available in the KVs³ located there.

4. The petitioner, on 3 April 2024, submitted a choice of three stations, from those notified on 27 March 2024, as stations where vacancies were available, where she preferred to be posted. She chose Kanpur, Lucknow and Patna as her three preferred stations of posting.

5. Subsequently, KVS brought out a second list of stations with vacancies on 13 May 2024 and third list on 30 May 2024.

6. The KVS issued a memorandum transferring the petitioner to Kanpur, which was her first station of choice as per the option exercised by her on 3 April 2024.

7. On 3 June 2024, the petitioner addressed a representation to the KVS, alleging that the KVS had not reflected, in its notice dated 27 March 2024, the correct number of vacancies in Ghaziabad, Meerut and Mathura as a result of which the petitioner was compelled to



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select Kanpur, Lucknow and Patna as her three stations of posting of choice. She also protested against some of her juniors having been posted at Ghaziabad, Meerut and Mathura.

8. The aforesaid representation was followed by several reminders, none of which elicited any response from the KVS.

9. On 5 June 2024, the petitioner, was relieved from her posting at Delhi. She joined at Kanpur on 6 June 2024.

10. The petitioner thereafter, moved the Central Administrative Tribunal⁴ by way of OA 2512/2024, praying that the memorandum dated 1 June 2024, insofar as it posted the petitioner at Kanpur, be quashed and set aside and that the KVS be directed to post the petitioner at Ghaziabad, Meerut or Mathura.

11. The Tribunal has, by judgment dated 28 November 2024, dismissed the OA filed by the petitioner.

12. Aggrieved thereby, the petitioner has approached this Court under Article 226 of the Constitution of India.

13. We have heard Mr. Malaya Kumar Chand, learned Counsel for the petitioner, and Mr. S. Rajappa, learned Counsel for the respondents, at length.

³ Kendriya Vidyalayas

⁴ “the Tribunal”, hereinafter



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14. Mr. Malaya Kumar Chand submits that the directives of the Supreme Court were perfectly clear. The KVS was required to notify the correct number of vacancies available at various stations as on 31 January 2024. He submits that, under its notice dated 27 March 2024, the vacancies in Ghaziabad, Meerut and Mathura were under reported, so as to reserve the unreported vacancies for candidates who were “preferred”. As the notice showed very few vacancies to be available at Ghaziabad, Meerut and Mathura, the petitioner, in order to avoid any risk, chose Kanpur, Lucknow and Patna as her choices of posting. It was only later, when her juniors were posted to Ghaziabad, Meerut and Mathura, that the petitioner realised that the number of vacancies available in Ghaziabad, Meerut and Mathura were under reflected in the notice dated 27 March 2024.

15. Mr. Malaya Kumar Chand, to support his submission that the number of vacancies in Ghaziabad, Meerut and Mathura were under reported on 27 March 2024, places reliance on an Office Order dated 1 June 2024, whereby various transfers and postings were effected. He submits that this Office Order indicates that several persons have been transferred from Ghaziabad, Meerut and Mathura, which necessarily implied that, there existed vacancies, at the said stations, in excess of the number of vacancies reflected in the notice dated 27 March 2024. Inasmuch as these vacancies were available prior to the petitioner’s representation dated 3 June 2024, Mr. Malaya Kumar Chand submits that the petitioner could have been accommodated at Ghaziabad, Meerut or Mathura.



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16. Refuting the submissions of Mr. Malaya Kumar Chand, Mr. Rajappa submits that the Memorandum dated 1 June 2024 is irrelevant, as the directives of the Supreme Court was with respect to the number of vacancies available on 31 January 2024. Moreover, submits Mr. Rajappa, Ghaziabad, Meerut and Mathura were all stations at which, even as per the notice dated 27 March 2024, vacancies were available. The petitioner, nonetheless, chose Kanpur, Lucknow and Patna as her three choices of posting. She had been posted at her first choice station, which was Kanpur.

17. Mr. Rajappa submits that the petitioner cannot, therefore, have any legitimate cause of grievance.

18. Mr. Rajappa submits that there could be no question of the petitioner obtaining any benefit from the subsequently notified vacancies, after she had already exercised her option for being posted at Kanpur, Lucknow or Patna. He categorically denies Mr. Malaya Kumar Chand's allegation that the notice dated 27 March 2024 under reported the number of vacancies available at Ghaziabad, Meerut and Mathura.

19. Having heard Mr. Malaya Kumar Chand, learned Counsel for the petitioner, as well as the petitioner, who appears in person, and Mr. S. Rajappa, learned Counsel for the respondents, we are not inclined to interfere in this matter.

20. The contention that the respondent had wrongly notified the number of vacancies available in Ghaziabad as on 31 January 2024 is not



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supported by any tangible evidence. Mr. Malaya Kumar Chand, learned Counsel for the petitioner, has drawn our attention to an Office Order dated 1 June 2024, which was much after the cut off date on 31 January 2024 fixed by the Supreme Court. Even if subsequent vacancies may have arisen after 1 June 2024, they could make no difference as the Supreme Court's specific directive was that the number of vacancies *as on 31 January 2024* be notified and parties opt for the stations of their choice.

21. Even though vacancies were notified in Ghaziabad, Mathura and Meerut, the petitioner applied for being posted at Kanpur, Lucknow and Patna. Of these choices, the petitioner was posted at Kanpur, as per her choice.

22. It has also been sought to be contended that though one vacancy was notified for Ghaziabad, subsequently other candidates who were junior to the petitioner were appointed to the said posts. The said candidates had not even been impleaded as parties before the Tribunal. We are not, therefore, inclined to enter into the correctness of the said postings. Suffice it to state that given the directives issued by the Supreme Court and the facts of the case, the petitioner has not been able to convince us that the respondent erred in posting her at Kanpur.

23. Accordingly, we find no reason to interfere with the impugned judgment, which is upheld in its entirety. The writ petition is dismissed. However, this judgment shall not stand in the way of the petitioner representing to the respondents for change of posting to a nearer station. If there are vacancies available, given the circumstances, the respondents would consider the representation of the petitioner, if made, in



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accordance with the rules and regulations, with the sympathy it deserves.

C. HARI SHANKAR, J.

AMIT MAHAJAN, J.

JANUARY 7, 2025/yg/aky

Click here to check corrigendum, if any