

Court No. - 9

Case :- WRIT - A No. - 11572 of 2024

Petitioner :- Anuj Kumar Agarwal

Respondent :- State Of Up And 4 Others

Counsel for Petitioner :- Rohit Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Rohit Ranjan Agarwal,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State. Notice need not be issued to respondent No.5 at this stage.

2. Through this writ petition a challenge has been laid to the order dated 24.06.2024 passed by District Inspector of Schools, respondent No.4, declining to entertain the online application of the petitioner for transfer on the ground that there are only two Assistant Teachers in the institution in question and the Headmaster of the institution is busy with the work of District Inspector of Schools and is often accompanying District Magistrate and Additional District Magistrate for doing the administrative work.

3. Learned counsel for the petitioner submits that Clause 14 of online policy for transfer of Assistant Teachers in the Government institution clearly stipulates that in those institutions where there is a Headmaster or a Officiating Headmaster along with more than two Assistant Teachers in a junior High School, the application for transfer has to be made online, which has to be accorded consideration by the District Inspector of Schools.

4. The petitioner is a Assistant Teacher in the Government High School, Pawati Kalan, Shamli and wants transfer to Government

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High School, Meerut. He had made an application online which was refused to be entertained by District Inspector of Schools/respondent No.4 on an absurd ground.

5. Learned Standing Counsel has opposed the writ petition but had admitted the fact that Clause 14 of the direction provide that in High School, the institution must have a Headmaster along with more than two Assistant Teachers for consideration of online application of transfer.

6. Having heard learned counsel for the parties and on perusal of material on record, I find that the petitioner has been non-suited on the ground that Headmaster of the High School is busy with the work of District Inspector of Schools at his office and often accompanies the District Magistrate and Additional District Magistrate for administrative work.

7. From perusal of the order it is clear that there is clear admission on the part of District Inspector of Schools that necessary requirement as per Clause 14 is made out but the application online was not considered only on the pretext that the Headmaster of the institution is busy with the work of District Inspector of Schools and the District Magistrate. This cannot be the ground for non entertaining the online application of the petitioner. The guidelines are very clear to the extent that the application online to be considered in case there is Headmaster and more than two Assistant Teachers. The petitioner fulfils the mandatory requirement and his application needs consideration by the authorities.

8. In the result, the writ petition is **allowed**. The order passed by respondent No.4 dated 24.06.2024 (Annexure 1 to the writ

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petition) is hereby quashed. The matter is remitted back to him for fresh consideration. The District Inspector of Schools, Shamli is hereby directed to accord fresh consideration in view of guidelines issued by State Government specially Clause 14, within two weeks from the date of production of a certified copy of this order.

9. This Court records displeasure against the officer concerned for not entertaining the application despite the criteria laid down by the State Government has been fulfilled and the application has been returned on the ground that the Headmaster is busy in the official work of District Inspector of Schools and District Magistrate. This Court would like to further record that the officer concerned should not pass such orders which highlights his incompetence.

Order Date :- 22.8.2024

Kushal