



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil Writ Petition No. 11123/2021

Jasdeep Kaur W/o Shri Kamal Kumar, Aged About 40 Years,  
Resident Of 4-D-26, Jawahar Nagar, Sri Ganganagar, District Sri  
Ganganagar (Rajasthan).

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Jaipur.
2. The State Of Rajasthan, Through The Secretary, Elementary Education Department, Government Of Rajasthan, Jaipur.
3. The Director, Elementary Education, Rajasthan, Bikaner.
4. The District Education Officer, (Elementary), Barmer, Rajasthan.
5. The District Education Officer (Elementary), Sri Ganganagar (Rajasthan).

-----Respondents

For Petitioner(s) : Mr. Ram Dev Potalia.

For Respondent(s) : Mr. Pankaj Sharma, AAG.  
Mr. G.S. Chouhan.

**HON'BLE MR. JUSTICE ARUN BHANSALI**

**Order**

**17/02/2022**

This writ petition has been filed by the petitioner seeking a direction to the respondents to transfer the services of the petitioner from District Barmer to District Sri Ganganagar

The petition has been filed inter-alia with the submissions that by order dated 17.09.2019, this Court in SBCWP No.13586/2019 directed consideration of petitioner's



representation for inter-district transfer and required the respondents to pass a speaking order.

Pursuant to the said order, the Director, Primary Education accepted the representation of the petitioner and forwarded the same to the State on 01.06.2020.

When despite recommendation, nothing happened, the petitioner filed SBCWP No.3364/2021, which again came to be decided by order dated 23.02.2021, again ordering for disposal of the representation to be made by the petitioner.

The petitioner made a representation, however, no order was passed, which led to filing of the present writ petition. On 16.12.2021, this Court noticing the above facts and the fact that despite passage of over 10 months since the order was passed by this Court on second occasion and that petitioner was required to approach this Court third time, directed the respondents to do the needful by the next date.

When on two dates again nothing transpired, on 18.01.2022, it was noticed from the reply filed by the respondents that instead of doing the needful, the respondents withdrew the recommendation made by the Director, recommending transfer of the petitioner based on which, the Court made the following observations and directed:-

“The action of the respondent – Authorities in withdrawing the recommendation in cases, which were found genuine by them for grant of inter-district transfer, only with a view to frustrate the case of the petitioner/s, cannot be appreciated.

The submissions made that as there is a ban on transfers, the recommendations cannot be implemented, also cannot be accepted as the ban imposed is by orders of the Authorities and, in case, the applicant is able to make out a case, which in the present case is made out, the same cannot come in



the way of authorities in exercising their power for inter-district transfer.

In that view of the matter, learned counsel for the State prays for time to complete his instructions in the matter, whereby, appropriate orders are passed by the respondents, keeping in view the observations made herein before.

In case, the needful is not done by the next date, this Court will be forced to call for the personal presence of the respondent - officers."

On 04.02.2022, when despite the order dated 18.01.2022, the respondents choose to remain inactive, the following order was passed:-

"Today, learned counsel for the respondents submits that despite communicating the order dated 18.01.2022, he has not received any positive response from the respondents.

In view of the above fact situation, list the petition on 17.02.2022, by then if needful is not done as observed under order dated 18.01.2022, the Secretary, Elementary Education Department, Government of Rajasthan, Jaipur, shall remain personally present before this Court on the said date.

Learned counsel for the respondents shall communicate this order to the concerned Secretary."

Today learned AAG has put in appearance and filed miscellaneous application seeking exemption from personal attendance of the Secretary, Elementary Education Department, Government of Rajasthan, Jaipur, as ordered by the Court on 04.02.2022 alongwith an additional affidavit, inter-alia indicating the respondents have passed order dated 14.02.2022, whereby, temporarily by way of working arrangement they have ordered for transfer of petitioner from Barmer to Sri Ganganagar and that petitioner has been relieved pursuant to the said order. The temporary transfer order has been passed till 31.12.2022.

Learned AAG further submitted that as presently there is a complete ban on transfers and the fact that despite the recommendations made by the Director, the State did not find it appropriate to pass the order of transfer, however, looking to the



exceptional circumstances, the order has been passed, however, as soon as the ban is lifted, the respondents will regularly transfer the petitioner in terms of the recommendation made by the Director.

Learned counsel for the petitioner expressed apprehension that as the order dated 14.02.2022 is limited till 31.12.2022 and an appropriate order making regular transfer of the petitioner on account of ban on transfers is not passed, the petitioner would have to go back to Barmer, which would create further complications for the petitioner.

Learned AAG on instructions assured that in case, the ban is not lifted by 31.12.2022, the period of petitioner's temporary transfer would be suitably extended.

In view of the above facts and circumstances, as the respondents have passed order dated 14.02.2022 temporarily transferring the petitioner from Barmer to Sri Ganganagar and an assurance on instructions is given by the learned AAG regarding regular transfer/extension, the petition filed by the petitioner is disposed of.

The withdrawal of the recommendation made by communication dated 22.09.2021 (Annex.R1) by the Director recommending the transfer of the petitioner is quashed and set-aside.

**(ARUN BHANSALI),J**

11-pradeep/-