



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

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

Jasdeep Kaur

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) :
For Respondent(s) : Mr. K.K. Bissa (through VC)

HON'BLE MR. JUSTICE ARUN BHANSALI
Order

04/02/2022

By order dated 18.01.2022, it was inter-alia directed by this Court as under:-

"By order dated 16.12.2021, it was inter-alia observed by this Court as under:-

"Counsel for the petitioner points out that by order dated 17.09.2019, in writ petition filed by the petitioner, directions were given for making a representation to the respondents. On representation made by the petitioner, the Director, Primary Education and Panchayati Raj Department, accepted the representation of the petitioner and proposed that the petitioner may be transferred to District- Sri Ganganagar. The said proposal dated 01.06.2020 remained pending with the State and when no order was passed, the petitioner again approached this Court by filing CWP No.3364/2021, wherein on 23.02.2021 again the petitioner was directed to make a representation and the respondents were directed to pass appropriate order within four weeks.

It is submitted that despite passage of about ten months, no order has been passed by the respondents and therefore, the petitioner has again approached this Court.

The facts indicate that for the same relief the petitioner has approached this Court for the third time and in between the Director has already made recommendation in favour of petitioner, the matter remains pending with the State for passing appropriate order.

The copy of the petition has been supplied to learned counsel, Mr. K.K. Bissa, who puts in appearance and prays for time to complete his instructions regarding compliance of the directions issued by the Court by the next date.

In view of above, list the petition on 07.01.2022. Office is directed to reflect the name of Mr. K.K. Bissa, learned AGC in the cause list."



A reply to the writ petition has been filed by the respondents alongwith the order dated 22.09.2021 (Annex.R/1).

The communication (Annex.R/1), has been issued by the Director, inter-alia seeking to withdraw all the recommendations made by him for transfer of employees on humanitarian grounds like the present petitioner, who is suffering from cancer.

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.

List the petition on 04.02.2022."

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.

(ARUN BHANSALI),J

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