

Central Administrative Tribunal, Principal Bench

Original Application No.1468 of 1998

New Delhi, this the 3rd day of February, 2000

Hon'ble Mr. Kuldip Singh, Member (J)

Sangeeta Sharma
W/o Shri Rakesh Sharma
Lecturer (PGT) Home Science
Sarvodaya Kendriya Vidyalaya No.1
Palam, Delhi.
R/o B-2/25 Janak Puri,
New Delhi.

- Applicant

(By Advocate: Shri G.D. Bhandari)

Versus

Govt. of NCTD through

1. The Secretary,
Department of Education,
Old Secretariat,
5, Shamnath Marg,
Delhi.
2. The Joint Director
Directorate of Education Estt. II Branch
Old Secretariat, 5 Shamnath Marg,
Delhi.
3. Dy. Director Education,
South-West District,
Directorate of Education,
Vasant Vihar,
New Delhi.
4. Dy. Director Education
West District/Directorate of Education,
New Moti Nagar (Admn. Branch),
New Delhi.

- Respondents

(By Advocate - Shri George Paracken)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

Applicant is a teacher working in one of the schools run by the respondents. Respondents are running various schools in the territory of Delhi. Applicant is claiming posting in a school of her choice. According to the policy of the respondents for transfer/posting, any teacher who has worked for a period of 2 years in a rural school, can make a request to be posted in a school of her

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choice. The applicant in this case has made a representation to the respondents that as she has completed 8/9 years of service in a rural area, so she is entitled to be posted in a school of her choice and accordingly she be posted in some of the school of her choice.

2. She has also stated that earlier on her request the Directorate of Education had passed an order transferring her from South West District to West District, as requested by her, but after her transfer to the West District, the Deputy Director Education (West District) was supposed to post her in a school of her choice. However, the Deputy Director Education (West District), again posted her once to Matiala school and once to Village Mundka which are again rural schools, so the applicant has prayed that the orders passed by the Deputy Director Education (West District) be quashed and directions be given to the Deputy Director Education, West District to comply with the directions passed by the Joint Director given in OM dated 2.6.99, Annexure A-2.

3. The respondents contested the OA and stated that the Deputy Director Education (West) could not comply with the orders passed by the Joint Director because the orders passed by the Joint Director (Education) reached the Deputy Director (Education) late and before the orders of the Joint Director reached there, the Deputy Director of Education had already passed the orders effecting

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transfers within the district with the result no vacancy was left in the school of the choice of the applicant, so in those circumstances, the order of the Joint Director of Education could not be complied with.

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4. I have heard the learned counsel for the parties and have gone through the records.

5. It is an admitted case of the parties that the applicant has to her credit 9 years of service in a rural school. There is no dispute to the fact that the applicant has a right to be posted in a school of her choice or near to her residence, as per respondents policy. The name of the applicant is also marked with a star to give her a preference for the purpose of giving posting to her as per her choice, but the only plea of the respondents is that first of all the transfers are made at the start of the academic session so that there is no disturbance during the academic year and on the last occasion when the orders from the Joint Director had reached, by then the transfers within the district had already taken place and no vacancy was available in the school of choice of the applicant, with the result that even the directions given by the Joint Director Education could not be complied with.

6. Considering the above background of the facts and the rival contention of the parties, I think the main purpose of the applicant is to get a posting near the

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place of her residence. Since by rendering service for about a period of 9 years in a rural school as per the posting/transfer policy of the respondents, the applicant has earned such a status that she should be accommodated for the purpose of being posted in a school of her choice or a school near by her residence and since the next academic session is likely to approach and for the past 2 academic sessions despite the orders of the Joint Director, the applicant could not be posted in a school of her choice.

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7. OA deserves to be allowed. As such I direct now the respondent No.4, the Deputy Director Education (West District) to give a posting to the applicant in a school of her choice or nearby to her residence wherever the vacancy is available in the next academic session when the routine transfers are made. The applicant shall also make a formal application to the respondents well in advance and respondent No.4 particularly will see to it that applicant is given a posting in accordance with the transfer/posting policy of the respondents in a school of her choice or nearby her residence, wherever the vacancy is available.

8. The OA is disposed of with the above directions.
No order as to costs.

Kuldip Singh
(Kuldip Singh)
Member (J)

/Rakesh