

Claim Petition No. 19/NB/DB/2021
Smt. Kamla Sharma vs. State of Uttarakhand & others

Dated: 05.04.2021

(Through audio conferencing)

Present: Sri Mahendra Singh Rawat, Advocate for the petitioner.
Sri Kishore Kumar, A.P.O for the respondents

By means of the present claim petition, the petitioner has sought the following reliefs:

“(a) To direct the respondents to amend the promotion order 17.03.2021 issued by the District Education Officer, Primary Education, Udham Singh Nagar (only with respect to petitioner’s promotion) and may be pleased to promote the petitioner’s services as Assistant Teacher in Upper Government Primary School in the Block Jaspur where there are 5 Upper Primary School with vacant posts of Assistant Teacher Language Hindi i.e. Bhasha. This Hon’ble Court may further be pleased to direct the respondents to forthwith grant the promotion to the petitioner in the aforesaid vacant school of Block Jaspur as per her preferential choice give in her application, otherwise the petitioner shall suffer irreparable loss and injury.

(b) To issue any other order or direction which this Hon’ble Tribunal may deem fit and proper in the circumstances of the case.

(c) Award cost of the petition.”

The petitioner was initially appointed on the post of Assistant Teacher, Primary School, vide order dated 18.11.1999 and pursuant to order dated 17.03.2021, she was promoted to the post of Assistant Teacher (Language Hindi i.e. Vishay Bhasha) in Government Upper Primary School, Nakatpura Block Sitarganj, District Udham Singh Nagar. Despite the fact that in the petitioner’s own block Jaspur admittedly there are vacant positions in at least 5 Upper Primary School, which is confirmed by information furnished to the petitioner vide Right to Information Act. Before finalizing the promotional exercise, petitioner herself has made detail representation before the respondents mentioning therein the preference/option, which is still pending for consideration and, therefore, she confined her prayer to direct the respondents to consider and decide her representation by passing an appropriate order.

Learned Counsel for the petitioner has also submitted that the Hon’ble High Court vide order 24.06.2019, in Writ Petition No.1411 of 2019, on similar facts, necessary directions have been issued.

Ld. A.P.O. has no objection, if the representation is directed to be decided by the appropriate authority, in accordance with law.

Heard.

The claim petition is, accordingly, disposed of at the admission stage, by directing respondents to consider and decide the

representation of the petitioner by a reasoned and speaking order, within a period of one month from the date of production of certified copy of this order. While deciding the representation, the respondents will also specifically decide whether the promotion and transfer of the petitioner at her choice place, is possible or not.

The claim petition stands disposed of at the admission stage.

Let copy of this order be supplied to learned Counsel for the parties.

A.S.NAYAL
MEMBER(A)

RAM SINGH
VICE CHAIRMAN(J)

KNP