

Court No. - 6

Case :- WRIT - A No. - 18562 of 2024

Petitioner :- Shubhra Rai

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Vinay Kumar Tripathi

Counsel for Respondent :- Archana Singh,C.S.C.

Hon'ble Ajay Bhanot,J.

1. Heard Shri Vinay Kumar Tripathi, learned counsel for the petitioner, learned standing counsel for the respondents No.1 and 2-State and Shri Shrestha Pratap Singh, learned counsel holding brief of Ms. Archana Singh, learned counsel for the respondents No.3 and 4

2. The petitioner made a request for transfer from Sant Kabir Nagar to Shahjahanpur.

3. Shri Shrestha Pratap Singh, learned counsel holding brief of Ms. Archana Singh, learned counsel for the respondents No.3 and 4 contends that there is no possibility of an intra district transfer. The school in which the petitioner is teaching has a strength of 103 students. There are only two teachers who are currently appointed as per the requisite standard. Transferring of the petitioner will reduce the strength of teacher to below the requisite standard and will badly effect the student teacher ratio.

4. Transfer is an incident of service. Marital discord is not a prima facie strong enough ground for seeking transfer. There is no right vested in a teacher to seek transfer to a place of their¹ choice. The interest of

¹ 'Their' is being used as a gender inclusive pronoun in place of 'his' or 'her'. 'Their' is used as singular in such situations. [See: Time (Everything You Ever Wanted To Know About Gender Neutral Pronounce)].

students and institutional interest are paramount to other aspects. The transfers are governed by various transfer policies issued from time to time.

5. Teachers have always been revered in Indian traditions and are venerated in constitutional law. Teachers are regarded as role models. The lives and example of teachers provide the ethical framework and moral compass to the nation's future leaders. Save a thought for our men and women in uniform, who serve in the most inhospitable terrains under most trying conditions. If our uniformed personnel start vying for cozy home postings, who will protect the nation's sovereignty. Teachers should remember the inspiring lives and conduct of our uniformed personnel who put service of the nation before satisfaction of personal comfort and welfare. However, it appears that transfer to places of choice is the most cherished aspiration of teachers. The ambition to impart knowledge and mould young minds in the cast of our constitutional values seems to have taken a back seat among many teachers.

6. At this stage no case is made out. The writ petition is dismissed.

7. However, the petitioner may make a representation to the competent authority. The employer may consider such representation as per government policy. However at all times the employer has to be mindful of protecting rights of students, preventing disruptions in academic schedules, and institutional interests while making any transfers or framing transfer policies. The said

considerations shall remain paramount while processing any request for transfer. Moreover, mid term transfer can be detrimental to the interest of the student community since it will disrupt the academic schedule.

Order Date :- 9.12.2024

Ashish Tripathi