



2025:HHC:21878

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.10983 of 2025

Date of Decision: 09.07.2025

Sanjeev Kumar		Petitioner
	Versus	
State of H.P. and Others		Respondents

Coram:

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner: Mr. Kul Bhushan Khajuria, Advocate.

For the Respondents: Mr. Rajan Kahol and Mr. B.C.Verma, Additional Advocate Generals and Mr. Ravi Chauhan, Deputy Advocate General, for State.

Sandeep Sharma, Judge (oral):

Petitioner herein is aggrieved of order dated 07.07.2025 (Annexure P-4), passed by Director, School Education, whereby representation filed by him in terms of order dated 28.05.2025, passed by this Court in CWP No.8933 of 2025, titled Sanjeev Kumar Vs. State of H.P. and Others, came to be disposed of.

2. Being aggrieved and dissatisfied with the order dated 05.05.2025, whereby petitioner herein came to be transferred to GMS Lothal u/c GHS Choori, District Chamba, petitioner approached this Court in Civil Writ Petition, detailed hereinabove and this Court vide order dated 28.05.2025 disposed of the afore writ petition, reserving liberty to the petitioner to file representation to the competent authority

¹Whether the reporters of the local papers may be allowed to see the judgment?



within a period of one week, with the direction to respondents to consider and decide the same, within a period of ten days. Though in terms of aforesaid order, respondents have decided the representation filed by the petitioner, but since afore representation has been rejected, petitioner has again approached this Court in the instant proceedings, laying therein challenge to rejection order dated 07.07.2025 (Annexure P-4).

3. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Anshul Jairath, learned counsel representing the petitioner is that bare perusal of order passed on the representation filed by the petitioner clearly reveals that that there is total non-application of mind, because petitioner had earlier approached this Court on the ground that since petitioner has already worked in hard area, there was no occasion, if any, for respondents to again transfer him to hard area, however, Director, School Education, while deciding representation, failed to take note of afore fact and mechanically proceeded to pass the order, impugned in the instant petition.

4. Having regard to the nature of prayer and order proposed to be passed, this Court sees no necessity to call for reply on behalf of respondents, who are otherwise represented by Mr. Ravi Chauhan, learned Deputy Advocate General. Mr. Chauhan while making this Court peruse impugned order dated 07.07.2025, attempted to argue that



petitioner was transferred from GHS, Frokta u/c Government Senior Secondary School Bathri, District Chamba, Himachal Pradesh to GMS Lothal u/c GHS Choori, District Chamba, vide order dated 05.05.2025 with the prior approval of the competent authority. He further submitted that mere fact that petitioner has served in hard area in past may not be a ground to interfere with the transfer order, especially when transfer policy nowhere suggests that employee, who has once served in hard area, cannot be again posted in hard area.

5. Having taken note of the fact that petitioner shall be completing normal tenure of three years at GHS, Frokta u/c Government Senior Secondary School Bathri, District Chamba, though this Court sees no reason to interfere with the impugned transfer order, because certainly in terms of Transfer Policy, formulated by the Government of Himachal Pradesh, an employee after his having completed three years at one station can be transferred, but there appears to be merit in the contention of Mr. Kul Bhushan Khajuria, learned counsel representing the petitioner, that very purpose of filing representation to the department was to apprise it with regard to previous posting of the petitioner in hard area.

6. Once factum with regard to posting of the petitioner in hard area in past was well within the knowledge of the department, there was no occasion, if any, to again transfer him to hard area. Admittedly, Government Middle School, Gharani, u/c GHS Kolka, District Chamba, is



a hard area, where petitioner remained posted for more than three years. Repeatedly, this Court has observed that State Government should make an endeavor to post each and every employee in hard/tribal area so that persons/employees, who have already served in hard/tribal area, are not made to work in hard/tribal area time and again. Moreover, this Court finds that there is no discussion, if any, with regard to aforesaid plea taken by the petitioner in his representation, rather, authority concerned in slipshod manner, without calling for details of previous posting of the petitioner, proceeded to pass impugned order, stating therein that petitioner was transferred from GHS, Frokta u/c Government Senior Secondary School Bathri, District Chamba, Himachal Pradesh to GMS Lothal u/c GHS Choori, District Chamba, vide order dated 05.05.2025 with the prior approval of the competent authority. Transfer of the petitioner to GMS Lothal u/c GHS Choori, District Chamba, was never under challenge, rather, petitioner, prior to issuance of transfer order dated 05.05.2025, had been working at the station concerned for around three years.

7. Though taking note of the fact that petitioner is about to complete three years of posting at afore station, respondents could have transferred him to any station, but definitely not in hard area, rather, he in terms of Transfer Policy, formulated by the Government of Himachal Pradesh, ought to have been given some soft station.



8. Consequently, in view of the above, this Court finds merit in the present petition and accordingly the same is allowed. Impugned order dated 07.07.2025 (Annexure P-4) is quashed and set-aside with the direction to Director, School Education, to decide the representation of the petitioner afresh, taking note of observations made hereinabove and in case it is verified that petitioner has served in hard/tribal area in past, then he shall not be transferred again to hard area, rather, shall be provided some soft station. Needless to say, authority concerned while doing the needful in terms of instant order, shall afford an opportunity of hearing to the petitioner and pass appropriate order thereupon taking note of Transfer Policy, formulated by the Government of Himachal Pradesh, relevant provisions whereof have been already discussed hereinabove. Since petitioner has been fighting for his rightful claim for quite long, this Court hopes and trusts that needful in terms of instant order shall be done on or before 18.07.2025. Till then, petitioner shall not be compelled to join the transferred station and he may avail leave of kind due.

In the aforesaid terms, present petition is disposed of along with pending application(s), if any.

**(Sandeep Sharma),
Judge**

July 09, 2025
(Rajeev Raturi)