

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.15149-175/2003

(From the judgement and order dated 05/08/2003 in SWP 902,895,
905,934,935,940,944,955,963,975,979,991,994,998,999,1023,
1024,1036,1039,1030,1067,1070,1085,1136,1148,1124,1206/2003
of The HIGH COURT OF J & K AT JAMMU)

MASOODA RASHID & ORS.

Petitioner (s)

VERSUS

STATE OF J.&K. & ORS.

Respondent (s)

(With prayer for interim relief)

With

SLP(C)No.15198-15246/2003,W.P(C)No.409/2003

Date : 12/09/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s) Mr. Kapil Sibal,Sr.Adv.

Mr. M.A. Goni,Sr.Adv.

M/s. D.K.Garg,Rohit Pandey,B.S.Billowria,

M.Ali,Mrs. Ritu Puri & Mr. A.Sibbal,Advs.

Mr. Bimal Roy Jad,Adv.

Ms. Sunita Pandit,Adv.

For Respondent (s) Mr. Altaf H. Nayak,A.G. State of J&K

Mr. Anis Suhrawardy,Adv.

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UPON hearing counsel the Court made the following

O R D E R

By an order dated 21.6.2003, a large number of teachers/masters were transferred to their original place of posting. These teachers were originally appointed in schools in the districts of Srinagar and Budgam, but they were transferred to different places on three grounds, namely, medical grounds, domestic convenience, and security risk. These transfers were challenged before the High Court of Jammu & Kashmir. The High Court by order dated 5.8.2003 declined to interfere with the general transfer orders passed by the State Govt. and the present SLPs. are filed against that order.

As regards the cases of teachers who urged the ground of domestic convenience and medical grounds, we are in agreement with the decision of the High Court and see no reason to interfere with the same. In case of teachers who contended that there was serious threat to their security, it seems to us that the matter requires some more investigation. The counsel for these petitioners submits that there is clearly a perceptible threat of security to them even at the present place of posting. But this is refuted by the counsel for the State. In view of these contentions, the counsel for the State submitted that the cases of these petitioners, who urged that there was a security threat in working at the transferred places, the matter may be reconsidered by the State on a case to case basis and a re-assessment be made in this regard. The counsel for the State, therefore, seeks time to file a fresh affidavit. Three weeks' time is granted as prayed. A responsible officer of the Home Department of the State Government shall file a fresh affidavit in this regard.

In the case of teachers who have already been transferred on other grounds, on their joining the transferred place of posting, their arrears of salary shall be paid to them within a reasonable time and if there was any delay in joining the transferred place of posting, such delay shall be regularised in accordance with the rules.

List it after three weeks.

(Y.P. Dhamija) (Veera Verma)
AR-cum-PS Court Master