

Court No. - 2



Case :- WRIT - A No. - 631 of 2021

Petitioner :- Sanjay Singh And 25 Others

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Navin Kumar Sharma

Counsel for Respondent :- C.S.C., Santosh Kumar

Hon'ble Suneet Kumar,J.

Heard Sri Navin Kumar Sharma, Advocate, for petitioners; and, learned Standing Counsel and Smt. Archana Singh, Advocate, for the respondents.

Petitioners (26 in number) are Assistant Teachers, who have not put in five years of continuous service but seek inter-district transfer at the place of posting of their wife, who either is a Teacher or a Government employee. The wife is residing with in-laws.

Smt. Archana Singh, learned counsel appearing for respondents, submits that the wife can seek transfer as there is relaxation in their case but for male teachers, there is embargo of five years.

In my view, the stand taken is hyper technical for the reason that under the U.P. Basic Education (Teachers) (Posting) Rules, 2008 a lady can seek transfer to the place of in-laws. In the facts of the instant case, it is stated that wives of petitioners are residing with their in-laws. Therefore, wives cannot seek transfer away from house of the in-laws. In the special circumstances, only the petitioners, who are male teachers, can seek transfer in view of decision in **Divya Goswami and others Vs. State of U.P. and others 2020 (11) ADJ 137** subsequently modified by order dated 03.12.2020.

In view, thereof, on the consent of learned counsels for the parties, the petition is **disposed of** directing the second respondent, Secretary, U.P. Basic Education Board, to consider the case of the petitioners on merits for inter-district transfer expeditiously, preferably within four weeks from the date of filing certified copy of this order along with copy of the representation and the material in support of exceptional exigency/circumstances.

Order Date :- 5.10.2021

P. Sri.