



IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 9th OF OCTOBER, 2024

WRIT PETITION No. 31479 of 2024

SARLA SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Ajay Jain, learned counsel for the petitioner (through VC).

Shri Bhuwan Gautam, learned Government Advocate for the
respondent/State (through VC).

.....
ORDER

1. Petitioner has challenged the transfer order dated 04.10.2024 issued by Commissioner, Directorate of Public Instructions, Bhopal whereby the petitioner has been transferred from Govt. Girls Higher Secondary School Alot to another Govt. Girls Higher Secondary School, Taal District Ratlam by treating her as Surplus Teacher.

2. As per the petitioner, by order dated 11.08.2023, a scheme was floated by the School Education Department and as per the Scheme in every Higher Secondary School up to 160 students, there will be one teacher of each subject and if the number of students are more than 160, one additional teacher will be posted upto further 160 students.

3. Learned counsel for the petitioner submits that in Govt. Girls Higher Secondary School, Alot District Ratlam, there are 199 students and therefore there are two sanctioned posts for teachers of economics subject. Petitioner is posted as



Economics Teacher in the school among two teachers of economics subject and in this way there is no surplus teacher of economics subject in the school, however, District Education Officer, Ratlam prepared a list of surplus teachers, wherein the name of the petitioner has been included as Surplus Teacher and consequently by order dated 04.10.2024, the Commissioner, Directorate of Public Instructions Bhopal issued the impugned order of transfer.

4. Learned counsel for the petitioner further submits that when the name of the petitioner was included in the list of Surplus Teacher, the petitioner submitted a representation on 20.09.2024 clarifying the fact that there is no surplus teacher in the school but without considering the same, the transfer order has been passed. He further submits that as there is no Surplus Teacher in the School, the transfer order is based on the incorrect facts and same is liable to be set aside. He further submits that the transfer order has been passed without application of mind and without considering the representation of the petitioner. Learned counsel for the petitioner submits that the petitioner is still working on the same place and has not been relieved till now.

5. Learned Government Advocate appearing on behalf of the respondent/State submits that the transfer order has been passed as per the policy for maintaining the availability of the teachers in all the schools. A policy has been framed by the School Education Department for appointing the Surplus Teachers and only surplus teachers have been transferred to other CM Rise Schools. He further submits that transfer order dated 04.10.2024 has been passed after due consideration of the list prepared by the District Education Officer, Ratlam, wherein the name of the petitioner has been shown as Surplus Teacher.



6. After considering the arguments advanced by learned counsel for both the parties, I deem it appropriate to disposed of the present petition with direction to the Respondent No.3, District Education Officer, Ratlam, District Ratlam to decide the representation submitted by the petitioner considering the fact that when there are two sanctioned post in the school, under which circumstances the name of the petitioner was included in the list of surplus teachers. The representation will be decided within a period of one month from today and till decision on the representation, the petitioner will be permitted to continue at the present place of posting i.e. Govt. Girls Higher Secondary School, Alot District Ratlam.
7. It is made clear that the District Education Officer will decide the representation in accordance with the applicable rules and scheme without being influenced by the present order.
8. With the aforesaid directions, the writ petition is disposed of.
9. This order be uploaded on the official website of the High Court today itself and the same shall be treated as certified copy.
10. Learned Government Advocate is also requested to communicate this order to the concerning officer.

(VINAY SARAF)
JUDGE

P/-