

**OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA,
PANCHKULA**

Order No. 16/118-2016 ET-II (5)

Dated, Panchkula, the 4/11/16

Whereas Sh. Satbir has filed CWP No. 19765 of 2016 titled as Satbir Versus State of Haryana & Ors in the Hon'ble High Court, which was decided by the Hon'ble Court on 21.9.2016 by passing the following orders inter alia:-

“In view of this Position, Mr. Jasbir Mor learned counsel appearing for the petitioner prays that his client will be satisfied if a direction is issued to the Director, Elementary Education, Haryana, to consider and decide the representation by passing a speaking order. In doing so, the petitioner may supply a copy of this petition which will be treated as a supplementary representation to be decided together with the representation already filed and final orders be directed to be passed thereon.

The prayer is found reasonable and in conformity with the well settled principle that in the first instance, the administrator in a case involving transfers and posting must decide the grievance in accordance with law and consequently, a direction is issued to the Director Elementary Education, Haryana, to decide the representation within 7 days from the date of receipt of a certified copy of this order and communicate the order in writing to the petitioner, in case the decision is adverse to him. Needless to say that the petitioner would have a right to be heard in case a decision is proposed against him. However, in case the representation of the petitioner is found creditworthy then it would not be necessary for the Director to pass a speaking order containing reasons and suitable office orders issued as per choice and merit points. However, till then status quo with respect to the service of the petitioner will be maintained as prevailing today.

Notice of Motion.

On the asking of this Court, Mr. Harish Rathee, Sr. DAG, Haryana is requested to accept notice on behalf of the respondent and waives service on them. Mr. Mor to supply requisite number of the paper-books in the office of Advocate General Haryana with one advance copy to Mr. Rathee during the course of the day.

Notice to non-official respondent is not being issued since this order expresses no opinion on the merits of the case or on the right of the parties inter

se. Suffice it to say that when the 2nd respondent considers passing orders pursuant to this order, he would be within his right to hear the private respondents before he makes a final order.

The petition is partially allowed to the extent indicated above.

Order dasti.

In compliance of order dated 21.9.2016 of the Hon'ble High Court, I have gone through the annexure P-11 dated 18.9.2016. In this annexure, the petitioner has demanded to allot him the choice station which he opted in MIS portal . These stations are not allocated to him due to less than 50 years age whenever the junior to him are allocated girls schools and their age are also below 50 years ,like Sh. Ajay kumar employee I.D 1009454 is less than 50 years (38 years)

It is mentioned here that the State Govt. has made a new transfer policy in June 2016 and it has following provisions:-

Whereas the new Teacher Transfer Policy 2016 has a vision in Para-1 is reproduced below:-

To ensure equitable, demand based distribution of teachers/Heads to protect academic interest of students and optimise job satisfaction amongst its employees in a fair and transparent manner.

And whereas para 2(i) provides that teachers who are members of State Cadre and District Cadre are liable to be transferred anywhere in the State and anywhere in the District respectively, at any point of time.

And whereas para 4(i) inter alia, provides that transfers can be effected by the Government at any time during the year in cases of administrative exigency. The reasons for transfers under these grounds should be recorded on file.

And whereas para 5(i) provides that transfer/posting to the opted zone/school will not be claimed or treated as a matter of right.

And whereas para 5(iii) provides that the option once availed and confirmed shall be final and can be changed only under the provisions of this Policy.

And whereas para 5(v) provides that unless protected under a provision of this Policy, every teacher completing 5 years continuous stay in a particular school shall be transferred.

And whereas the clarification order dated 21.07.2016 in so far as it concerns with para 5(v) provides that "Unless protected under a provision of this policy, every teacher completing 5 years stay/tenure in a particular school/zone of any district(s), whether independently in a district or cumulatively of more than one district, of the State shall be transferred"

And whereas para 8(iv) provides that all teachers shall be asked to select the zones in order of their preferences, across districts. They shall further opt for a minimum five or available number of schools, whichever is more, in order of preference within each zone, so that their claim could be considered against multiple vacancies within a zone. In case he/she does not get his/her preferred choice then he/she shall be given any available school in the same zone. In case there is no school available in the said zone then he/she will be considered for the next zone of preference and so on.

And whereas para 8(xiii) provides that in administrative exigency, the Department shall be at liberty to post any teacher at any of the choices given by him/her, irrespective of preference given.

And whereas para 9(i) provides that every teacher will be responsible for the accuracy and regular updation of data in the MIS in respect of his/ her credentials. In case he/she notices any discrepancy, he/she will get it rectified by adopting due procedure after producing the relevant evidences before the competent authority. He/she shall be responsible for updating of profile as and when any status is changed.

And whereas the department asked all teachers to update their personal profile and service profile on MIS portal expeditiously so that further action for implementation of the Transfer Policy could be taken in time followed by through letters dated 06.04.2016, through video conference dated 27.04.2016 and through public notice in various newspapers dated 06.05.2016, Email dated 21.05.2016, DEO letters dated 23.05.2016, Email dated 30.05.2016, letter dated 02.06.2016 and letter dated 30.6.2016 respectively.

And whereas most of the employees showed their willingness and alertness in completing their profiles well in time and thereby helping the Department in preparing their case in the application software for the general transfer in the spirit of Transfer Policy. Such employees timely gave their transfer preferences as per the schedule given by the department.

And whereas in spite of a plethora of communications and requests issued to employees through various mode of communications some employees certainly didn't care, thereby faulted, for completing their personal profiles as well as the service profile for which they were specifically enjoined upon in the policy as well as in the communications mentioned here in above. Such employees even didn't give transfer preferences. The list of such employees is enclosed herewith as annexure-I. As the Application Software has to implement the spirit of the policy hence such teachers would necessarily be allocated new stations.

And whereas these few employees who didn't/couldn't complete their profile or didn't give transfer preferences, for one reason or the other, cannot be permitted to hold up the entire process of transfers through digital mode for which almost all other teachers are waiting impatiently.

And whereas to allocate stations to such teachers the department devised a logic whereby these teachers have been given stations in order of merit in the zone as near as possible to the present place of posting of such teachers who didn't express their options even though such teachers were otherwise liable to be transferred from their present place of posting.

And whereas, some of these defaulting teachers couldn't be accommodated in nearby schools.

And whereas to save these teachers from being on road without posting and to let them complete their MIS profiles for future service decisions like transfers, promotions, etc. the department has allocated them postings at stations available vacant and as per their eligibility in terms of the Teacher Transfer Policy 2016.

And whereas the convenience of these teachers cannot be known by the department unless they themselves come forward and express their options and transfer preferences on the MIS profile whenever opportunity window is made open to them.

Therefore, the department has decided that such teachers whose list is enclosed as annexure-P-3 shall be provided another opportunity in the near future in the next phase of transfer so that they can get the convenient station as per their "willingness, weightage and eligibility"

However, it is mentioned here that which PRT teacher has been allocated GGPS Stations and their age are also less than 50 years, they may be involved in second/next phase of transfer.

In order accordingly.

R.S. Kharb

(R.S. KHARB)
Director Elementary Education,
Haryana, Panchkula

Endst No. 16/118-2016 ET-II (5)

Dated, Panchkula, the 9/11/16

A copy is forwarded to following for information and necessary action:-

1. District Elementary Education Officer Jind
2. Head of the institutions concerned.
3. Official concerned (list enclosed). *(Satbir JBT GPS malsari Khara Jind)*
4. Technology Officer (IT Cell).
5. PA/DEE.

Ashok Kum
9.11.2016

Superintendent ET-II
O/o Director Elementary Education,
Haryana, Panchkula

O/o Director Elementary Education,

**OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA,
PANCHKULA**

Order No. 16/121-2016 ET-II (5)

Dated, Panchkula, the 4/11/16

Whereas Sh. Suresh Kumar has filed CWP No. 19685 of 2016 titled as Suresh Kumar Versus State of Haryana & Ors in the Hon'ble High Court, which was decided by the Hon'ble Court on 21.9.2016 by passing the following orders inter alia:-

“Petitioner who is serving as a JBT Teacher assails the order dated 17.9.2016 at Annexure P-3 whereby he has been transferred from Government Primary School, Shamlo Khurd, Block Julana, District Jind to Government Primary School, Dhanauri, Block Narwana, District Jind.

The sole contention raised by learned counsel is that such order of transfer is contrary to the Transfer Policy framed by the State Government itself dated 29-6-2016 at Annexure P-1. Particular reference is made to Clause 6(i) which defines the criteria for deciding the claim against vacancy. The same reads as under:-

6.”Criteria for deciding the claim against vacancy

- i) Decision of allotment to a vacancy shall be based on the total composite score of points earned by a teacher, out of 78 points as described below. The teacher earning highest points shall be entitled to be transferred against a particular vacancy”

Counsel would argue that the relevant details were uploaded on the MIS Portal and based on the same, the petitioner had been assigned 36.59 points by the respondent Department. Precise grievance is that the option submitted by the petitioner as regards place of posting have not been considered while other teachers who had earned lower points have been adjusted. In this regards, a tabulation has been furnished in para 11 of the writ petition.

Having heard counsel for the petitioner at length, this court is of the considered view that the grievance of an employee as regards transfer and based upon terms and conditions contained in a Transfer policy are required to be agitated before the employee/competent authority in the first instance.

Accordingly, the instant petition is disposed of in terms of granting liberty to the petitioner to approach the Director Elementary Education, Haryana-respondent No 2 directly as regards his grievance against the impugned transfer.

In the eventuality of any such representation being filed, respondent No 2 would be obligated to consider the same and to take a final decision thereupon within a period of 07 days from the date of submission.

As an interim measure, it is directed that status quo as regards place of posting of the petitioner as it exists today shall be maintained for a period of 10 days .

A copy of this order be given to learned counsel for the petitioner under signature of the Bench Secretary .

Disposed of.

In compliance of order dated 21.9.2016 of the Hon'ble High Court, I have gone through the annexure P-10 dated 18.9.2016. In this annexure, the petitioner has demanded to allot him the choice station which he opted in MIS portal . These stations are not allocated to him due to less than 50 years age whenever the junior to him are allocated girls schools and their age are also below 50 years ,like Sh. Jai Pal employee I.D 1008875 is less than 50 years

It is mentioned here that the State Govt. has made a new transfer policy in June 2016 and it has following provisions:-

Whereas the new Teacher Transfer Policy 2016 has a vision in Para-1 is reproduced below:-

To ensure equitable, demand based distribution of teachers/Heads to protect academic interest of students and optimise job satisfaction amongst its employees in a fair and transparent manner.

And whereas para 2(i) provides that teachers who are members of State Cadre and District Cadre are liable to be transferred anywhere in the State and anywhere in the District respectively, at any point of time.

And whereas para 4(i) inter alia, provides that transfers can be effected by the Government at any time during the year in cases of administrative exigency. The reasons for transfers under these grounds should be recorded on file.

And whereas para 5(i) provides that transfer/posting to the opted zone/school will not be claimed or treated as a matter of right.

And whereas para 5(iii) provides that the option once availed and confirmed shall be final and can be changed only under the provisions of this Policy.

And whereas para 5(v) provides that unless protected under a provision of this Policy, every teacher completing 5 years continuous stay in a particular school shall be transferred.

And whereas the clarification order dated 21.07.2016 insofar as it concerns with para 5(v) provides that "Unless protected under a provision of this policy, every teacher completing 5 years stay/tenure in a particular school/zone of any district(s), whether independently in a district or cumulatively of more than one district, of the State shall be transferred"

And whereas para 8(iv) provides that all teachers shall be asked to select the zones in order of their preferences, across districts. They shall further opt for a minimum five or available number of schools, whichever is more, in order of preference within each zone, so that their claim could be considered against multiple vacancies within a zone. In case he/she does not get his/her preferred choice then he/she shall be given any available school in the same zone. In case there is no school available in the said zone then he/she will be considered for the next zone of preference and so on.

And whereas para 8(xiii) provides that in administrative exigency, the Department shall be at liberty to post any teacher at any of the choices given by him/her, irrespective of preference given.

And whereas para 9(i) provides that every teacher will be responsible for the accuracy and regular updation of data in the MIS in respect of his/ her credentials. In case he/she notices any discrepancy, he/she will get it rectified by adopting due procedure after producing the relevant evidences before the competent authority. He/she shall be responsible for updating of profile as and when any status is changed.

And whereas the department asked all teachers to update their personal profile and service profile on MIS portal expeditiously so that further action for implementation of the Transfer Policy could be taken in time followed by through letters dated 06.04.2016, through video conference dated 27.04.2016 and through public notice in various newspapers dated 06.05.2016, Email dated

21.05.2016, DEO letters dated 23.05.2016, Email dated 30.05.2016, letter dated 02.06.2016 and letter dated 30.6.2016 respectively.

And whereas most of the employees showed their willingness and alertness in completing their profiles well in time and thereby helping the Department in preparing their case in the application software for the general transfer in the spirit of Transfer Policy. Such employees timely gave their transfer preferences as per the schedule given by the department.

And whereas in spite of a plethora of communications and requests issued to employees through various mode of communications some employees certainly didn't care, thereby faulted, for completing their personal profiles as well as the service profile for which they were specifically enjoined upon in the policy as well as in the communications mentioned here in above. Such employees even didn't give transfer preferences. The list of such employees is enclosed herewith as annexure-I. As the Application Software has to implement the spirit of the policy hence such teachers would necessarily be allocated new stations.

And whereas these few employees who didn't/couldn't complete their profile or didn't give transfer preferences, for one reason or the other, cannot be permitted to hold up the entire process of transfers through digital mode for which almost all other teachers are waiting impatiently.

And whereas to allocate stations to such teachers the department devised a logic whereby these teachers have been given stations in order of merit in the zone as near as possible to the present place of posting of such teachers who didn't express their options even though such teachers were otherwise liable to be transferred from their present place of posting.

And whereas, some of these defaulting teachers couldn't be accommodated in nearby schools.

And whereas to save these teachers from being on road without posting and to let them complete their MIS profiles for future service decisions like transfers, promotions, etc. the department has allocated them postings at stations available vacant and as per their eligibility in terms of the Teacher Transfer Policy 2016.

And whereas the convenience of these teachers cannot be known by the department unless they themselves come forward and express their options and

transfer preferences on the MIS profile whenever opportunity window is made open to them.

Therefore, the department has decided that such teachers whose list is enclosed as annexure-P-3 shall be provided another opportunity in the near future in the next phase of transfer so that they can get the convenient station as per their "willingness, weightage and eligibility"

Order accordingly.

Rohas

(R.S. KHARB)

Director Elementary Education,
Haryana, Panchkula

Endst No. 16/121-2016 ET-II (5)

Dated, Panchkula, the 9/11/16

A copy is forwarded to following for information and necessary action:-

1. District Elementary Education Officer Jind
2. Head of the institutions concerned. *Suram Kumar SBT GPS Shambh Khandel*
3. Official concerned (list enclosed). *Julana Jind*
4. Technology Officer (IT Cell).
5. PA/DEE.

Ashok Kumar

9.11.2016
Superintendent ET-II

O/o Director Elementary Education,
Haryana, Panchkula

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**OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA,
PANCHKULA**

Order No. 16/122-2016 ET-II (5)

Dated, Panchkula, the 5/11/16

Whereas Sh. Sandeep Kumar has filed CWP No. 19686 of 2016 titled as Sandeep Kumar Versus State of Haryana & Ors in the Hon'ble High Court, which was decided by the Hon'ble Court on 29.9.2016 by passing the following orders inter alia:-

“Having heard counsel for the petitioner at length, this court is of the considered view that the grievance of an employee as regards transfer and based upon terms and conditions contained in a Transfer Policy are required to be agitated before the employee/competent authority in the first instance.

Accordingly, the instant petition is disposed of in terms of granting liberty to the petitioner to approach the Director Elementary Education, Haryana-respondent No 2 directly as regards his grievance against the impugned transfer. In the eventuality of any such representation being filed, respondent No 2 would be obligated to consider the same and to take a final decision thereupon within a period of 7 days from the date of submission.

As an interim measure, it is directed that status quo as regards place of posting of the petitioner as it exists today shall be maintained for a period of 10 days.

A copy of this order be given to learned counsel for the petitioner under signatures of the Bench Secretary.

Disposed of.”

In compliance of order dated 29.9.2016 of the Hon'ble High Court, I have gone through the annexure P-10 dated 18.9.2016. In this annexure, the petitioner has demanded to allot him the choice station which he opted in MIS portal . These stations are not allocated to him due to less than 50 years age whenever the junior to him are allocated girls schools and their age are also below 50 years ,like Sh. Jai Pal employee I.D 1008875 is less than 50 years

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And whereas para 2(i) provides that teachers who are members of State Cadre and District Cadre are liable to be transferred anywhere in the State and anywhere in the District respectively, at any point of time.

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And whereas para 5(i) provides that transfer/posting to the opted zone/school will not be claimed or treated as a matter of right.

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And whereas para 8(xiii) provides that in administrative exigency, the Department shall be at liberty to post any teacher at any of the choices given by him/her, irrespective of preference given.

And whereas para 9(i) provides that every teacher will be responsible for the accuracy and regular updation of data in the MIS in respect of his/ her credentials. In case he/she notices any discrepancy, he/she will get it rectified by adopting due procedure after producing the relevant evidences before the competent authority. He/she shall be responsible for updating of profile as and when any status is changed.

And whereas the department asked all teachers to update their personal profile and service profile on MIS portal expeditiously so that further action for implementation of the Transfer Policy could be taken in time followed by through letters dated 06.04.2016, through video conference dated 27.04.2016 and through public notice in various newspapers dated 06.05.2016, Email dated 21.05.2016, DEO letters dated 23.05.2016, Email dated 30.05.2016, letter dated 02.06.2016 and letter dated 30.6.2016 respectively.

And whereas most of the employees showed their willingness and alertness in completing their profiles well in time and thereby helping the Department in preparing their case in the application software for the general transfer in the spirit of Transfer Policy. Such employees timely gave their transfer preferences as per the schedule given by the department.

And whereas in spite of a plethora of communications and requests issued to employees through various mode of communications some employees certainly didn't care, thereby faulted, for completing their personal profiles as well as the service profile for which they were specifically enjoined upon in the policy as well as in the communications mentioned here in above. Such employees even didn't give transfer preferences. The list of such employees is enclosed herewith as annexure-I. As the Application Software has to implement the spirit of the policy hence such teachers would necessarily be allocated new stations.

And whereas these few employees who didn't/couldn't complete their profile or didn't give transfer preferences, for one reason or the other, cannot be permitted to hold up the entire process of transfers through digital mode for which almost all other teachers are waiting impatiently.

And whereas to allocate stations to such teachers the department devised a logic whereby these teachers have been given stations in order of merit in the zone as near as possible to the present place of posting of such teachers who

didn't express their options even though such teachers were otherwise liable to be transferred from their present place of posting.

And whereas, some of these defaulting teachers couldn't be accommodated in nearby schools.

And whereas to save these teachers from being on road without posting and to let them complete their MIS profiles for future service decisions like transfers, promotions, etc. the department has allocated them postings at stations available vacant and as per their eligibility in terms of the Teacher Transfer Policy 2016.

And whereas the convenience of these teachers cannot be known by the department unless they themselves come forward and express their options and transfer preferences on the MIS profile whenever opportunity window is made open to them.

Therefore, the department has decided that such teachers whose list is enclosed as annexure-P-3 shall be provided another opportunity in the near future in the next phase of transfer so that they can get the convenient station as per their "willingness, weightage and eligibility"

Order accordingly.



(R.S. KHARB)

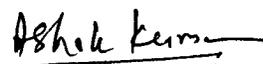
Director Elementary Education,
Haryana, Panchkula

Endst No. 16/122-2016 ET-II (5)

Dated, Panchkula, the 10/11/16

A copy is forwarded to following for information and necessary action:-

1. District Elementary Education Officer Jind
2. Head of the institutions concerned.
3. Official concerned (list enclosed) → sh. sandeep JBT EPS Birali (13390)
- ✓ 4. Technology Officer (IT Cell). Jind.
5. PA/DEE.



9.11.2016
Superintendent ET-II

O/o Director Elementary Education,
Haryana, Panchkula

रजि:तुरंत/तिथिबद्ध/COCP

प्रेषक

निदेशक मौलिक शिक्षा, हरियाणा,
शिक्षा सदन, सैक्टर 5, पंचकुला।

सेवा में,

1. सभी जिला मौलिक शिक्षा अधिकारी, हरियाणा राज्य,
2. सभी जिला शिक्षा अधिकारी, हरियाणा राज्य,
3. निदेशक S.C.E.R.T. हरियाणा, गुडगांव,
4. निदेशक स्कूल शिक्षा विभाग, यू.टी., चण्डीगढ़।

यादी क्रमांक 15/1-2016 एच०आर०एम०-1 (2)

दिनांक, पंचकुला 21.11.2016

विषय:-

जे.बी.टी./सी. एंड वी. के पदों से टी.जी.टी. विज्ञान/गृह विज्ञान/संगीत/उर्दू अध्यापकों के पद पर पदोन्नति मामले भेजने बारे।

उपरोक्त विषय पर के संदर्भ में।

विषयवृत्त मामले में लिखा जाता है कि आप अपने अधीनस्थ ऐसे जे.बी.टी./सी.एंड वी. अध्यापकों के मामले जो Haryana Govt. School Education Department Notification 11.04.2012 के अनुसार योग्यता पूर्ण करते हैं, निदेशालय को भेजें।

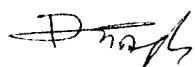
Sr. No.	Subject	Category/ year
1.	Science (TGT)	Gen. & S.C. upto 2012
2.	Home Science (TGT)	Gen. category & S.C. upto 2012
3.	Music Teacher(TGT)	Gen. & S.C. upto 2012
4.	Urdu Teacher(TGT)	Gen. & S.C. upto 2012

ऐसे अध्यापकों के मामले पूर्ण रूप से निजी मिसल सहित (अपटू डेट वार्षिक गोपनीय रिपोर्ट), कोई कोर्ट केस रात्यानिष्ठा एवं नियम 7 अथवा 8 के अंतर्गत या अन्य कोई कार्यवाही लम्बित न होने का प्रमाण पत्र सहित पदोन्नति मामले विशेष संदेशवाहक के माध्यम से दिनांक 30.11.2016 तक निदेशालय को भिजवाएं। इसके साथ यह भी प्रमाणित किया जाये कि कोई भी मामला उपरोक्त तिथि तक जो सेवानियमों 2012 के अनुसार qualification/योग्यता पूर्ण करते हैं, आपके जिले में शेष नहीं हैं।

अतः आप स्वयं व संबंधित सहायक के साथ सभी केसिज लेकर दिनांक 30.11.16 को प्रातः 11.00 बजे निदेशालय में लेकर आएँ क्योंकि उपरोक्त मामले में अवमानना नोटिस प्राप्त हो चुका है।

no.	Name of the official with I.D. No. and present place of posting	Date of appointment		ACRs upto date with personal file	No complaint/enquiry certificate countersigned by the concerned DEEO/DEO	Bifurcation of category SC/General
		Adhoc	Regular			
1	2	3		4	5	6

नोट: बिना पूर्ण निजी मिसल/रिकार्ड के मामले पर विचार नहीं किया जाएगा।


संयुक्त निदेशक मास्टर्ज
कृते: निदेशक मौलिक शिक्षा हरियाणा
पंचकुला।