

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**C.M.Nos.6920-21 of 2015 in/and
CWP No.10006 of 2015 (O&M)
Date of decision: 29.05.2015**

Mani Narwal

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Ashish Aggarwal, Senior Advocate with
Mr. Kuldip Singh, Advocate
for the petitioner.

Mr. Ravi Pratap Singh, AAG, Haryana.

Mr. R.N.Lohan, Advocate and
Mr. Sunil Panwar, Advocate
for the applicant/respondent No.3.

AMIT RAWAL J (Oral)

C.M.No.6920 of 2015

Prayer in the present application is for placing on record written statement filed on behalf of respondent No.3 and pre-poning the date of hearing.

Vide order dated 26.05.2015, notice of the application was issued to the non-applicant/petitioner.

The application is allowed, subject to all just exceptions.

Written statement filed on behalf of respondent No.3 is taken on record and hearing of the case is preponed from 05.10.2015 to today and the writ petition is taken on board for hearing today itself.

CWP No.10006 of 2015 (O&M)

Reply to the application for vacation of stay and replication have been filed in the Court today. The same are taken on record.

Challenge in the present writ petition is to the order dated 14.05.2005 (Annexure P-2), whereby the petitioner has been transferred from Government College, Barwala (Panchkula) to Government College, Saha (Ambala) as Home Science Teacher.

Mr. Ashish Aggarwal, learned Senior Advocate assisted by Mr. Kuldeep Singh, Advocate submits that on 1.6.2014, the petitioner was transferred to Barwala and thereafter, within a period of two months, she was ordered to be transferred to Panchkula on deputation and after completion of deputation period, she was ordered to be sent back to Barwala. He further submits that the petitioner has been transferred to Saha and therefore, the action of the respondents is violative of Articles 14 and 16 of the Constitution of India

Vide order dated 18.05.2015, notice of motion was issued to the respondents.

Mr. R.N.Lohan, learned counsel appearing on behalf of respondent No.3 has filed written statement along with application

seeking vacation of interim order dated 18.05.2015 and stated that the petitioner has not come to the Court with clean hands. It has been further submitted that it is not correct that by transferring the petitioner from Barwala to Saha, so that she would not able to complete compulsory rural service, to be entitled for senior and selection grade(s) of pay. He further submits that even Saha, Barwala and other places, where respondent No.3 has been transferred are rural area colleges. Even Bodia Khera is also rural area college.

I have heard learned counsel for the petitioner and appraised the paper book.

Since it is conceded that Saha is rural area, therefore, the petitioner cannot be permitted to agitate that she is being prevented to complete rural area service. Respondent No.3, vide impugned order has been transferred to Barwala in place of the petitioner and the petitioner has been transferred to Saha. In essence, the petitioner would not be affected in any manner as Saha is also rural area. Both the petitioner and respondent No.3 are stated to be residents of Panchkula as is evident from the memo of parties.

Mr. Ravi Pratap Singh, learned Assistant Advocate General, Haryana submits that in case there is availability of post of Home Science Teacher at Barwala, the State would not be in difficulty to accommodate the petitioner and respondent No.3, at Barwala, and if the situation is converse, order of transfer shall be

deemed to be upheld. Respondent No.3 shall be treated to be transferred to Barwala and the petitioner to Saha.

It is directed that in case there is a post of Home Science Teacher at Barwala, the petitioner and respondent No.3 shall be adjusted. If found otherwise, petitioner shall be deemed to have been transferred to Saha and respondent No.3 to Barwala.

With the aforementioned observations, writ petition stands disposed of.

**(AMIT RAWAL)
JUDGE**

May 29, 2015
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