

Case No. : C. W. P.No. 21569 of 2011

Date of Decision : December 18, 2015

Rajbeer Singh		Petitioner
VS.		
State of Haryana and others		Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. R. K. Malik, Senior Advocate
with Mr. Kuldeep Sheoran, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

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DEEPAK SIBAL, J. :

The relevant facts, which need to be stated before adjudicating upon the present petition are that through an advertisement dated 20.07.2006, applications were invited by the State of Haryana for making appointments as JBT Teachers. The petitioner applied for consideration of his candidature for one such post. On the basis of his merit, he was selected and offered appointment as a JBT Teacher in District Gurgaon, but since his wife was already serving the State of Haryana as a JBT Teacher in District Rohtak, he made a representation to the Director, Elementary Education,

Haryana that he be also appointed in District Rohtak. On favourable consideration of his representation, through order dated 15.01.2009, the petitioner was appointed as a JBT Teacher in District Rohtak.

One Sukhbir Singh along with another JBT Teacher, who had higher merit than the petitioner, filed a petition in this Court being **C. W. P. No. 16432 of 2010**, in which they claimed preference over the petitioner for being appointed in District Rohtak. The aforesaid writ petition was disposed of by this Court on 14.09.2010 directing the respondents therein to consider the cases of the petitioners therein by passing a speaking order and in compliance thereof, through order dated 05.09.2011 (Annexure P-3), since Sukhbir Singh had higher merit than the petitioner, he was ordered to be appointed in District Rohtak in place of the petitioner. Resultantly, through order dated 05.09.2011 (Annexure P-3) the petitioner's District was ordered to be changed from Rohtak to Gurgaon. It is this order, which has been challenged by the petitioner through the present petition.

It is the admitted position that before changing the District of the petitioner, no notice or opportunity of hearing was granted to him. Change of District for JBT Cadre, being a District Cadre, involves serious civil consequences, and therefore, before change of District of the petitioner, he was required to be issued notice and was also entitled to the grant of opportunity of hearing.

In view of the above, the impugned order dated 05.09.2011 (Annexure P-3) being violative of principles of natural justice, is ordered to

be quashed. However, liberty is granted to the respondents to proceed against the petitioner, in accordance with law.

No costs.

(DEEPAK SIBAL)
JUDGE

December 18, 2015
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