

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26056 of 2015

Date of Decision: 14.12.2015

Shveta Verma

... Petitioner

Versus

The State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sandeep Khunger, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The petitioner is an unmarried teacher. The private respondent is married and serves in the same District Fazilka. The petitioner had approached the competent authority for transfer to Government High School, Abohar (Model School) from her place of posting at Government High School, Bazidpur, Kattianwali. Her request has not been acceded to.

On the other hand, the private respondent has been transferred to the choice of posting of the petitioner. The impugned order was passed on June 30, 2015. The petitioner claims protection of the transfer policy which gives a preference to an unmarried woman over couple cases and ordinarily unmarried girls are to be transferred to the place of their choice as per the transfer policy.

Learned counsel points out from information supplied under the RTI Act the reasons assigned for non-acceptance of the request of the

petitioner and transfer of the private respondent to the Model School at Abohar (Urban).

These requests are contained in paras.1 and 2 of the information supplied by the PIO O/o DEO (SE) Fazilka. The length of stay of both the quarrelling teachers in their places of posting are similar with the difference of only four months. The private respondent has been transferred on priority basis sent plain area to border area. These two considerations have weighed with the transferring authority in passing the impugned transfer by ignoring the preferential claim of the petitioner over the private respondent. The policy also give preference to plain area or border area when it also speaks of rights of unmarried girls to be posted at the places of their choice, by and large. These two competing rights are to be balanced by the administrator by adhering to the manifesto of the Government in formulating its codified transfer and posting policy.

The petitioner has served a legal notice dated September 09, 2015 (P-7) on the competent authority which has not drawn the attention of the decision maker-respondent No.2 as nothing has been communicated on the fate of her request.

In the circumstances, a direction is issued to the decision-maker, respondent No.2 to consider and decide the aforesaid legal notice served by the petitioner within two weeks from the date of receipt of certified copy of this order. The petitioner would be heard on her grievance and in case, there is merit found in it the respondent No.2 would take measures in adjustment to grant relief which may be found admissible to her in terms of the transfer policy. If necessary the competent authority would

hear the private respondent as well so that the dispute can be resolved face to face, if thought fair and proper, so that neither returns home harbouring doubts that justice was not done by the administrator.

With these observations, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

14.12.2015
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