

**IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

Mamta
24/08/11 16:24
I attest to the accuracy and
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(i) CWP No.14226 of 2016 (O&M)	
Deepak Kumar and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(ii) CWP No.14283 of 2016 (O&M)	
Sushma Devi and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(iii) CWP No.14410 of 2016 (O&M)	
Suresh Kumar and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(iv) CWP No.14427 of 2016 (O&M)	
Vikas and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(v) CWP No.14519 of 2016 (O&M)	
Dr. Raj Kumar and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(vi) CWP No.14524 of 2016 (O&M)	
Rahul Yadav and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(vii) CWP No.14534 of 2016 (O&M)	
Yogesh and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(viii) CWP No.14575 of 2016 (O&M)	
Jai Bharti Yadav and others	...Petitioners

Versus	
State of Haryana and others	...Respondents
(ix) CWP No.14608 of 2016 (O&M)	
Poonam and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(x) CWP No.14635 of 2016 (O&M)	
Sonu and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(xi) CWP No.14670 of 2016 (O&M)	
Vineeta Ahuja and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(xii) CWP No.14744 of 2016 (O&M)	
Nishu and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(xiii) CWP No.14893 of 2016 (O&M)	
Adarsh Tiwari and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(xiv) CWP No.14788 of 2016 (O&M)	
Nisha Kumari and others	...Petitioners
Versus	
State of Haryana and others	...Respondents
(xv) CWP No.14991 of 2016 (O&M)	
Kavita Chahal and others	...Petitioners
Versus	

State of Haryana and others

...Respondents

Date of decision: 08th August, 2016

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dalbir Singh, Advocate,
Mr. Suresh Kumar Kaushik, Advocate,
for Mr. Atul Yadav, Advocate,
Mr. Jai Parkash Jangu, Advocate,
for the petitioners.

Mr. Harish Rathee, Senior DAG, Haryana,
for the respondent(s)-State.

RAJIV NARAIN RAINA, J (ORAL)

This order will dispose of the above cited cases, as common questions of law and fact are involved in them which can conveniently be decided by a common order. The facts are taken from CWP No.14226 of 2016.

Heard learned counsel for the parties at length.

There can be no doubt that in the facts of this case the decision in this petition should be governed by the order already passed by this Court on July 29, 2016 in *CWP No.16975 of 2014* titled *Mrs. Rita Tandon versus State of Haryana and others*. This Court also has no doubt that the Education Department in Haryana will faithfully abide by the directions issued by this Court in CWP 13555 of 2016 titled *Anju Bala & Others v. State of Haryana and Others* and if any improvements or fine tuning is required thereto or envisioned for better management of the cadre even beyond the terms of the orders, the competent authority will take such apt measures to make transfers equitable and transparent, so that justice is seen to be done to all school teachers in the matter of posting and transfers.

With these directions and hope, the above captioned petitions stand disposed of. In case situation demands and where retention of the petitioners may be found necessary in the overall interest of the student community, they can be posted to nearby colleges where they can easily commute without great inconvenience and hardship. Mitigating circumstances, no doubt will be kept in mind in the huge exercise to resolve competing interests as are consistent with good governance.

The Director, Higher Education, Haryana, will sensitize their officers in Colleges and the Principals not to treat the petitioners with disdain and as lesser mortals so that no one in the administration at the grass roots says that in absence of orders of the High Court in each un-litigated case, their services will be discontinued of those who are on Guest Faculty or in Extension lecture engagements. They have also a social purpose to serve in education till the system is not disbanded and regular appointments are made. The engagement of persons like the petitioners, do not depend on Court orders or its control as that is within the domain of the transferring authority because this Court does no more than to exercise judicial review of action taken and whether it is within the policy and it is not abused by arbitrary action, malice and *mala fides*, and therefore, the remaining exercise be done in the spirit of the orders passed by this Court, give and take and the transfer policy of teachers but albeit with a human touch, in public interest and in the exigencies of fair administration.

08th August, 2016
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(RAJIV NARAIN RAINA)
JUDGE

Whether Speaking/reasoned

Yes

Whether reportable

No