

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

**CWP No.18502 of 2013
Date of decision : 25.04.2016**

Satish Kumar

...Petitioner

versus

State of Haryana and others.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jagbir Malik, Advocate for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

RITU BAHRI , J. (Oral)

Prayer in the present writ petition is for quashing the impugned order dated 11.07.2012 (P-11) passed by respondent No. 2 vide which the request of the petitioner for allotting him station and allowing to join in Distt. Panchkula on the vacant post of J.B.T Teacher instead of District Mewat has been rejected.

Learned counsel for the petitioner, inter alia contends that the petitioner was selected in pursuance to the Advt. No. 04/2009 as JBT Teacher in District Mewat. However, his wife Neelam Devi was selected as J.BT Teacher and posted in District Panchkula, as per office order dated 10.12.2010 (Annexure P-1). The posting given to the petitioner is in contravention of policy dated 30.09.2010 (P-4)

The petitioner was in the waiting list and was appointed in District Mewat. Thereafter, petitioner filed CWP No. 22950 of 2011 seeking his adjustment as JBT Teacher in District Panchkula, as per the policy of the Government dated 30.09.2010. This petition was disposed of on 26.03.2012 (P-8) directing the petitioner to file a supplementary representation to the

respondent no. 2 Director, Elementary Education, Haryana, in accordance with law, who will decide the same within a period of three weeks.

However, thereafter, the case of the petitioner has now been rejected vide order dated 11.07.2012 (Annexure P-11) without considering the policy dated 30.09.2010 and on the sole ground that at the time of his initial appointment, he was offered appointment from the waiting list, in district Mewat and he could not adjusted in district Panchkula.

As per policy of the government dated 30.09.2010 (Annexure P-4) he could have been adjusted in same district where his wife has been posted, who is selected in the same selection process.

Learned counsel for the petitioner further placed on record Annexures P13 to P-16 to show that permanent posts are still lying vacant in Distt. Panchkula.

In view of the above factual position and keeping in view policy dated 30.09.2010 , order dated 11.07.2012 (P-11) is set aside and direction is being given to respondent No. 2 to pass an appropriate order adjusting the petitioner as per the policy (Annexure P-4), in case posts are still lying vacant in Distt. Panchkula. This exercise shall be completed within a period of four weeks, from the date of receipt of certified copy of this order.

April 25, 2016
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(RITU BAHRI)
JUDGE