

Sr. No.131

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.14671 of 2016 (O&M)

Date of Decision: 25.07.2016

Rajbeer Singh

... Petitioner

Versus

The State of Haryana and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Saurabh Dalal, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Pleadings on record would indicate that petitioner was selected and appointed as JBT teacher in the year 2008. At the stage of selection, petitioner was allotted District Gurgaon. Petitioner chose not to join in District Gurgaon but made a request for change of district to that of Rohtak. Apparently, request of the petitioner was acceded to vide order dated 30.12.2008 and he was allotted Rohtak District. Case of the petitioner is that wife of the petitioner was also selected as JBT teacher and issued posting orders at Government Primary School, Ismaila, District Rohtak in the year 2008.

One CWP No.16432 of 2010 came up for hearing in this Court titled as Sukhbir Singh and another Vs. State of Haryana and wherein it was held that the present petitioner could not have been transferred from District Gurgaon to District Rohtak in the light of merit obtained by him in the process of selection. In purported compliance of the orders passed by this Court in CWP No.16432 of 2010, order dated 02.09.2011 was passed

directing the petitioner to join back in Gurgaon District. Petitioner challenged such order by filing CWP No.21569 of 2011 and the order was quashed only on the technical ground that opportunity of hearing had not been granted to the petitioner and liberty was granted to the State to pass orders afresh after complying with the principles of natural justice.

The instant petition is now directed against the order dated 06.06.2016 at Annexure P-5 whereby upon culmination of the exercise of reconsideration claim of the petitioner seeking adjustment and posting in Rohtak District has been declined.

Submission put forth by learned counsel is that under the transfer policy framed by the State Government itself, the respondents were enjoined to treat the claim of the petitioner as a couple case as his wife was also serving as a JBT teacher in Rohtak District itself. Further contended that father of the petitioner is an advanced age and is suffering from various health issues. It is also submitted that child of the petitioner is epileptic and for this reason also the request for transfer and posting in Rohtak District should have been acceded to.

Having heard counsel for the petitioner at length, this Court is of the considered view that the present petition merits dismissal.

It stands conceded that the post of JBT teacher is a district cadre post. The posting and assignment of a district upon selection as a JBT teacher would be determined as per merit assigned in the selection process to a particular candidate. The prayer of the petitioner seeking adjustment in Rohtak District is not on the strength of the criteria that has been formulated while issuing posting orders upon selection and appointment. To the converse, the petitioner is seeking adjustment in Rohtak District on the basis

of a stipulation contained in a transfer policy as a couple case and thereby defeating the criteria which determines assignment of a district to a JBT teacher upon selection and appointment in the light of merit assigned. The same is not permissible.

Even as regards the health issues of the petitioner's father as also child, suffice it to observe that Gurgaon would perhaps afford better facilities for medical treatment as compared to Rohtak.

No ground for interference is made out.

Petition dismissed.

25.07.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No