

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

CWP No.16573 of 2016 (O&M)

Date of decision : 16.08.2016

Neeru Rao

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. Mukesh Rao, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The petitioner who is serving on the post of P.G.T./Lecturer (Sanskrit) is aggrieved of her transfer from Government Senior Secondary School, Sarhaul, Gurgaon to Government Girls Senior Secondary School, Haily Mandi, Pataudi, Gurgaon.

Counsel has submitted that as per transfer policy dated 29.06.2016 at Annexure P-4 framed by the State Government, options were called for online and the petitioner had submitted the first preference as Government Senior Secondary School, Daultabad, District Gurgaon. However, such station was allotted to one Deepmala Singh in spite of being ineligible. It is submitted that even though the present petitioner has joined on the place of posting at Government Girls Senior Secondary School, Haily Mandi, Pataudi, Gurgaon, yet the adjustment of Deepmala Singh at Government Senior Secondary School, Daultabad, District Gurgaon has been cancelled and as such, the preference/option exercised by the petitioner and as per transfer policy has become available. Accordingly, it is urged that the petitioner is vested with a right to be considered against such option.

During the course of arguments, counsel has also adverted to documents appended and placed on record at Annexure P-7 to argue that

daughter of the petitioner has been diagnosed with a medical condition of insulin dependent diabetes mellitus with diabetes ketoacidosis. It is submitted that daughter of the petitioner requires 3-4 insulin injections per day and is also in need of expert medical monitoring. Counsel contends that even a representation to the respondent Authorities/Competent Authority has been made highlighting the peculiar facts and circumstances of the case seeking adjustment of the petitioner at her first preference i.e. Government Senior Secondary School, Daultabad, District Gurgaon.

In the considered view of this Court in matters pertaining to transfer, intervention would be called for only if the order of transfer is shown to be illegal per se, is in violation of some statutory provisions or if actuated by malafides.

Even though, petitioner has not been able to make out a case for interference on the aforementioned parameters, yet keeping in view the health condition of the girl child of the petitioner, it would be a fit case which requires consideration at the hands of the respondent Authorities/Competent Authority.

Accordingly, the instant petition is disposed of with a direction to respondent No.1 to look into the grievance of the petitioner in the light of representation dated 11.08.2016 at Annexure P-6 i.e. stated to have been already filed. A final view in the matter be taken expeditiously.

Writ petition is disposed of.

16.08.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |