

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17606 of 2016

Date of Decision: 29.08.2016

Dr. Sunil Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Dr. Naresh Kaushik, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.

The petitioner has filed the instant petition assailing the action of the respondent-Department in transferring him from Government Senior Secondary School Kanipala to Government High School Sudhpur.

The primary submission advanced by learned counsel is that the transfer of the petitioner has been made in contravention of the Transfer Policy of Teachers issued by the State Government vide memo dated 29.06.2016 at Annex P-4.

The petitioner's complaint is that a school in which he has been transferred has no student in the subject of Sociology and the school he leaves behind has no teacher to teach the same subject.

Having heard counsel for the petitioner at some length, this Court is of the considered view that no interference in the matter is called for.

Transfer is an incidence of service. Terms and conditions contained in a transfer policy do not vest an enforceable right though they are to be adhered to in broad spectrum and fair-play but admitting of some

free play in the joints which is necessary to reconcile and accommodate competing interests of thousands of teachers who may be placed in similar circumstances. The Court cannot and ought not to individualize justice. These are matters which need to be agitated before the employer/Competent Authority for exercise of their discretion since the blue print of transfers is in their hands to analyze, that who should be placed where. No bias and malafides have been alleged in the petition.

As such, while declining to interfere in the matter, liberty is granted to the petitioner to approach the Competent/State Authority as regards his grievance against the impugned order of transfer.

The Director General School Education will look into this grievance within two or three days from the date of receipt of the order and take a fair and just decision on the representation on this special feature which constitutes the ground of challenge.

Disposed of.

(RAJIV NARAIN RAINA)
JUDGE

29.08.2016

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No