

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

CWP No.17706 of 2016 (O&M)

Date of Decision: 30.08.2016

Krishnan

... Petitioner

Versus

State of Haryana and another

... Respondents

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

Present:- Mr. Ashok Kumar Sehrawat, Advocate, for the petitioner.

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TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner is serving on the post of JBT Teacher under the Department of Education, State of Haryana. He is currently posted and serving in a school under Yamuna Nagar district.

Present petition has been filed seeking issuance of a writ of mandamus directing the respondent/authorities to consider his claim to be transferred out of district and to Rohtak/Sonepat district on the basis that he is suffering from a terminal disease. Claim raised in the instant petition is on the strength of an Inter District Transfer Policy issued by the Directorate of Elementary Education Haryana dated 06.08.2015 (Annexure P-3). The relevant clause under the Policy and upon which reliance has been placed by counsel appearing for the petitioner reads in the following terms:

“ORDER OF PREFERENCE:-

The applications of eligible teachers for inter-district transfer shall be considered in following preferences:

(i) to (iii) xxx xxx xxx

(iv) Teachers suffering from terminal diseases i.e. Cancer/AIDS etc. or from chronic illness of serious nature, which requires special medical treatment and constant care of

their family members. The medical certificate issued by Pandit Bhagwat Dayal Sharma, PGIMS, Rohtak (Government of Haryana) or Post Graduate Institute of Medical Science and Research (PGIMR), Chandigarh or AIIMS Delhi for these diseases/illness shall only be considered. No other illness/disease shall be considered. The teachers whose children/spouse/parents is suffering from such disease/illness shall also be considered under this category.

Application under this category shall be considered, if duly supported by medical certificate issued by the above said authorities.

It is clarified that all chronic illness cases shall not be considered under this clause, but only those chronic illness of serious nature, which require special treatment and constant care of their family members, shall be considered. The case of teachers suffering from such kind of chronic illness/diseases shall be considered individually, keeping in view individual merit.”

Placed on record and appended at Annexure P-1 is a certificate issued by the office of Civil Surgeon, Rohtak certifying that the petitioner was examined on 16.12.2015 by a Medical Board and he is found to be suffering from T-Cell Lymphoblastic Lymphoma/Leukemia.

The certificate at Annexure P-1 leaves no scope for doubt that the petitioner is unfortunately suffering from blood cancer and which is a terminal disease.

Be that as it may, under the Inter District Transfer Policy, a request for transfer from one district to another would be examined only upon a medical certificate issued by Pt. Bhagwat Dayal, PGIMS, Rohtak or Post Graduate Institute of Medical Science and Research, Chandigarh or AIIMS, Delhi.

Counsel appearing for the petitioner submits that he would duly

appear before the concerned authorities at PGIMS, Rohtak for issuance of a certificate as regards his chronic disease/illness.

The present writ petition is disposed of with liberty that as and when the petitioner approaches respondent No.2 i.e. the Director, Elementary Education, Haryana on the basis of a certificate issued either by PGIMS, Rohtak, PGIMER, Chandigarh or AIIMS, Delhi certifying his illness/disease to be chronic/terminal and puts in a request for transfer out of the district, such claim would be considered in accordance with law and as per Inter District Transfer Policy, 2015 issued by the State Government expeditiously and in any case, within a period of two weeks from the date of submission of such representation.

Disposed of.

30.08.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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