

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19790 of 2016

Date of Decision: 23.09.2016

Sushma and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Parminder Singh, Advocate,
for the petitioners.

RAJIV NARAIN RAINA, J.

1. Challenge in this petition is to transfer orders. There are 4 petitioners in the joint petition but they fall in different categories of disability.

2. Mr. Parminder Singh, learned counsel appearing for the petitioners submits that barring the petitioner No.1 who is 100% blind, the rests suffer impairments of vision or are physically handicapped with locomotor disabilities and, therefore, their cases (except Petitioner No 4) are segregated for separate treatment in the first instance by the authorities in the respondent education department. Petitioner No.1 is 100% blind and falls within the ratio of my orders in CWP No.16119 of 2016 titled *Pardeep Singh and other v. State of Haryana and others*, passed on September 09, 2016 and his case will be governed by the directions issued in the aforesaid case. However, petitioner No.4 claims to have his rights declared by this Court in CWP No.15985 of 2016 titled *Kamal Kumar v. State of Haryana and others*, decided on August 08, 2016 as he suffers from 100% disablement and the directions issued in *Kamal Kumar* will apply to his case

and his case stands disposed of by granting him parity of treatment.

3. Petitioners No.2 & 3 are disabled persons and would remain free to seek administrative remedies before the competent authorities for them to take appropriate decisions without any interference by this court at this stage. Petitioners No.2 & 3 have submitted representations (Annex P-13 & 14) which have not been decided so far. Therefore, a direction is issued to the competent authority to decide the representations within seven days from the date of receipt of certified copy of this order. In case, those petitioners have a genuine grievance then they may be transferred to their places of choice/preferences without assigning reasons. However, if orders adverse to their interest are proposed then they would have a right of hearing and therefore the necessity of recording reasons would arise.

4. To sum up, the case is bifurcated into three parts because of misjoinder of causes of action and for them to save time and expense in case the Court ordered separate filing of petitions. The cases of petitioners 1 & 4 are allowed in terms of the judgments relied upon, while the cases of the rest of the petitioners are separated and accordingly would stand disposed of with the above observations and directions as contained in paragraph 3 above. It is so, ordered.

(RAJIV NARAIN RAINA)
JUDGE

23.09.2016

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Whether speaking/reasoned Yes

Whether reportable No