

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

CWP No.19861 of 2016 (O&M)

Date of decision:06.10.2016

Munish Kumar

... Petitioner

Vs.

State of Haryana & others

... Respondents

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

Present: Mr. Kamal Mor, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The petitioner is serving on the post of Drawing Teacher under the Haryana Education Department.

Claim raised in the present petition is for issuance of directions to the respondent/authorities to consider his claim to be transferred outside the district.

Petitioner is currently stated to be serving in a school falling in Kurukshetra district and seeks transfer to Sonapat district on the ground that his father is suffering from a serious health ailment. Reliance has been placed upon Policy dated 06.08.2015 (Annexure P-1) issued by the Directorate of Elementary Education, Haryana on the subject of inter-district transfers for district cadre teachers. Specific reliance has been placed upon Clause 3(iv) and which reads as follows:

“3. ORDER OF PREFERENCE:-

(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 Sciences 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 medical 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.”

Perusal of the aforesaid clause would reveal that teachers whose children/spouse/parents are suffering from a terminal or chronic disease of serious nature and who raise their claim for transfer on such ground on the basis of a medical certificate issued by PGIMS, Rohtak, PGIMR, Chandigarh or AIIMS, Delhi, the same would be entertained and considered.

Counsel has referred to a certificate placed on record at Annexure P-4 issued by a Board of Doctors of PGIMS, Rohtak.

Perusal of such certificate, in the considered view of this Court does not meet the requirement of Clause 3(iv) of the Inter District Transfer Policy. Such certificate does not hold out that the father of the petitioner is suffering from a terminal or a chronic disease.

Faced with such a situation, counsel prays for withdrawal of the petition with liberty to approach the concerned medical institute for issuance of a certificate and which would bring the case of the petitioner

within the scope of consideration for transfer out of the district as per Clause 3 (iv).

Petition stands disposed of with liberty as prayed for.

06.10.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

(i) Whether speaking/reasoned? Yes

(ii) Whether reportable? No