

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 19896 of 2016 (O&M)

Date of Decision: 24.09.2016.

Pushpa Bai

--Petitioner

Versus

State of Haryana and others

--Respondents

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

Present:- Mr. R.N. Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The petitioner, who is serving as a J.B.T Head Teacher under the Haryana School Education Department, has filed the instant petition impugning her transfer from Government Primary School, Khatoti Sultanpur, Narnaul (Mahendergarh) to Government Primary School, Dochana, Narnaul (Mahendergarh).

The solitary submission raised by the counsel is that the impugned transfer of the petitioner is in violation of the Transfer Policy framed by the State Govt. In this regard counsel refers to clause 6 of the Transfer Policy and as per which points out of a total of 78 points were to be assigned to each teacher as per criteria envisaged therein and based on such points secured, the options submitted by the teacher concerned, were to be entertained. It is contended that the petitioner has been transferred by assigning her 52.6658 points. The precise grievance put forth is that 10 points which were to be granted to the petitioner under the parameter of having a mentally challenged or 100% differently abled child, have been denied to her. Reliance has been placed upon a certificate placed on record at Annexure P-1 issued by the C.M.O./Civil Surgeon, Mahendergarh to

submit that daughter of the petitioner suffers from mental retardation. It is argued that without any justifiable basis such certificate inspite of being relied upon, has not been considered and the 10 points as per criteria under clause 6 of the Transfer Policy have been denied to the petitioner and to her detriment and prejudice.

Counsel for the petitioner has been heard at length.

This Court is of the considered view that terms and conditions contained in a Transfer Policy do not vest an enforceable right. Be that as it may, it is certainly obligatory upon the concerned authorities to keep in mind the Transfer Policy while issuing orders of transfer. These are matters which need to be agitated before the employer/respondent department in the first instance. Accordingly, while declining to interfere at this stage, petitioner is granted liberty to approach respondent no.2 i.e. the Director, Elementary Education, Haryana directly as regards her grievance on the issue of transfer. In the eventuality of any such representation being preferred, respondent no.2 would be obligated to consider the same and thereafter to take a final decision thereupon within a period of seven days from the date of submission of the representation.

As an interim measure, *status quo* as regards place of posting of the petitioner as it exists today, shall be maintained for a period of ten days.

Petition is disposed of.

A copy of this order be furnished to learned counsel for the petitioner under the signatures of Bench Secretary.

(TEJINDER SINGH DHINDSA)
JUDGE

24.09.2016

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Whether speaking/reasoned: Yes

Whether Reportable: No