

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

**CWP-20232-2016 (O&M)
Date of Decision: 28.09.2016**

Vijay Kumar and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present: Mr.Mohinder Pal, Advocate for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioners, who are four in number, are teachers under the Haryana School Education Department.

The instant petition has been filed raising a twofold prayer; (i) petitioners seek the issuance of a writ of mandamus to direct the respondent-authorities not to implement the Teachers Transfer Policy dated 29.06.2016 (Annexure P-1) in the current academic session and rather to direct the respondents to implement the same from the next academic session i.e. 2017-2018 (ii) directions are also sought to the respondent-authorities to take necessary steps to ensure protection of the academic interest of the wards of the teachers who are liable to be adversely affected by way of transfers that would be effected in the near future if the Transfer Policy dated 29.06.2016 (Annexure P-1) is implemented.

Having heard counsel for the petitioners at length this Court is of the considered view that no basis for interference is warranted.

Transfer is an incidence of service. The Teachers Transfer Policy dated 29.06.2016 (Annexure P-1) would be seen as a policy decision

which falls strictly within the domain of policy making at the hands of the State Government/administrative authorities. It would be best left to the employer/respondent-department to take decisions as regards the mode and manner in which transfers are to be effected. This Court cannot be called upon to assume the role of a supervisory authority so as to determine the timing as also place of posting of an employee.

The present petition merely proceeds on an apprehension that the Teachers Transfer Policy, 2016 would be implemented in the near future and transfer orders would be issued which would be detrimental to the interest of the teachers fraternity as also to the academic interest of the students. This Court cannot be called upon to interfere merely on the basis of presumptions.

On a specific query having been put to the counsel, it has been conceded that each one of the present four petitioners has already completed more than a five years tenure at their existing place of posting.

The present writ petition can only be seen as a device to ensure that the petitioners are not posted and transferred out from the schools where they are presently serving.

Prayer made in the instant petition is wholly misconceived.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

September 28, 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No