

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2773 of 2016 (O&M)
Date of Decision:- 20.05.2016

Ravinder Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. J.C. Malik, Advocate,
for the petitioner.**

Mr. Ravi Partap Singh, Asstt. Advocate General, Haryana.

RITU BAHRI, J. (Oral)

Petitioner is seeking directions to the respondents to transfer him from his present place of posting i.e. Government Primary School Jhoranwali, District Sirsa to near about his village Marodhi Jattan, District Rohtak as per the policy of the Government dated 06.08.2015.

Petitioner is posted as JBT Teacher in Government Primary School Jhoranwali, District Sirsa. He filed CWP No.14452 of 2012 titled Ravinder Kumar Vs. State of Haryana and others, decided on 31.07.2012 (Annexure P-4) seeking that he may be transferred to any school in District Rohtak from District Sirsa and the said writ petition was disposed of by this Court by giving direction to respondent No.2, to decide the representation of the petitioner. His claim for Inter District Transfer was rejected vide order

dated 22.11.2013 by the Director General, Elementary Education, Haryana, Panchkula on the ground that there was no vacancy available in the concerned District in this category. As per the roster-wise list of vacancies of JBT Teachers received from the Rohtak district, there was no vacant available in the cadre of JBT Teachers for general category. Thereafter, vide order dated 06.08.2015 (Annexure P-7) a new Inter District Policy 2015 was issued for District Cadre Teachers.

The petitioner gave an affidavit dated 03.09.2015 (Annexure R-2) to respondent No.2 that he abide by the terms and conditions of the transfer policy and sought transfer in District Rohtak and he would have no objection if his seniority is fixed at the tail end of the concerned cadre. In the said affidavit, he sought transfer in three districts i.e. Rohtak, Jhajjar and Bhiwani. Petitioner annexed a medical certificate of his son, namely, Gaurav, who is 100% disabled (Hearing) issued by Civil Surgeon, Rohtak.

The respondents in the written statement have taken a stand that as per the conditions of the Inter District Transfer dated 06.08.2015 the medical certificate is to be 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. Further it is stated that out of three Districts Rohtak, Jhajjar and Bhiwani vacant post of JBT teacher of general category was available in District Jhajjar only and there was no vacancy available in districts Rohtak and Bhiwani.

Learned counsel for the petitioner has stated that the petitioner is ready to be transferred at Jhajjar.

Keeping in view of this fact, the present writ petition is allowed and the directions to the respondents to consider the case of petitioner for transfer to District Jhajjar, subject to the condition that he shall get the

certificate of disability of his son with respect of 100% (Hearing) from one of the above-said Institute as the earlier disability certificate dated 03.08.2011 supplied by him has been issued by the Civil Surgeon, Rohtak.

May 20, 2016
naresh.k

(RITU BAHRI)
JUDGE