

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1561 of 2016 (O&M)

Date of Decision: August 26, 2016

Sunil Kumar

.....Appellant

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Ravinder Malik (Ravi), Advocate, for the appellant.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J.

The appellant is working as Post Graduate Teacher (History).

He has been transferred from Government Senior Secondary School, Kherli Lala, Sohna, District Gurgaon to Government Senior Secondary School, Panniwala Mota, Odhan, District Sirsa. He challenged the transfer order on the ground that he had joined L.L.B. degree course (evening classes) at University of Delhi and the impugned transfer would cause impediment in attending the classes or in completion of LLB degree.

Though the permission, if any granted by the Competent Authority for joining LLB degree is not on record, nevertheless, we are of the considered view that transfer being an incidence of service, learned Single Judge has rightly declined to interfere with the same. However, the appellant may approach the Competent Authority and make out a case based upon the mitigating circumstances, including the utility of LLB degree with

reference to the nature of duties he is required to perform. We have no reason to doubt that the Competent Authority shall sympathetically consider the appellant's request. It shall be appreciated if the decision is taken within a period of one month from the date of making a request by the appellant.

Ordered accordingly.

[SURYA KANT]
JUDGE

August 26, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No