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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14303-2016

Date of decision : 15.12.2017

Vikland Sangh Umang, Sirsa

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Ms. Alisha Arora, Advocate for
Ms. Anju Arora, Advocate
for the petitioner.

Mr. Lokesh Sinhal, Addl. A.G., Haryana.

AJAY KUMAR MITTAL, J. (ORAL)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India for issuance of a writ of *mandamus* directing the respondents to exclude the differently abled employees of education department from the purview of Teachers Transfer Policy 2016 of School Education Department, Haryana dated 29.06.2016.

2. In response to the notice having been issued, short reply of Virender Chaudhary, Joint Director Administration along with amended transfer policy (Annexure R-1) has been filed. Clause 9 (i) of the amended policy, which has been referred to by learned State Counsel, reads as under:-

"(i) Teachers suffering from

a) 100% vision loss; or

b) 100% locomotor disability for any reason; or

c) currently suffering from cancer; or

d) having undergone bye-pass heart surgery; or

e) kidney transplant; or

f) currently undergoing dialysis;

shall be assigned 80 points (60 for age factor and 20 for special points factor) if they are willing to participate in a transfer drive. Otherwise, they shall not be transferred, if they are not willing to participate in a transfer drive. However, the certificate of cancer should not be more than six months old. Further, there will not be any bar to opt any zone/school for these categories of teachers."

3. In view of above, learned counsel for the respondent(s)-State submitted that the grievance of the petitioner has been redressed in the amended transfer policy dated 05.06.2017 (Annexure R-1) and therefore, the present writ petition has been rendered infructuous and the same may be disposed of as such.

4. Disposed of as infructuous. However, it shall be open to the petitioner to file an application for revival of the case, in case something survives therein.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

15.12.2017
Yogesh Sharma

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**