

CM No. 12523-CWP of 2017 and
CM No. _____-CWP of 2017 in/and
CWP No. 13871 of 2017

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 12523-CWP of 2017 and
CM No. _____-CWP of 2017 in/and
CWP No. 13871 of 2017
Date of Decision: 06.09.2017

Preeti Srivastva and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Rajesh Punj, Advocate,
for the applicants-petitioners (in CM No. 12523-CWP-2017).

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Ms. Nupur Chaudhary, Advocate,
for the applicant-respondent no. 6
(in CM No. _____CWP of 2017).

Mr. Partap Singh, Advocate,
for respondent no. 7.

AMOL RATTAN SINGH, J. (ORAL)

CM No. 12523-CWP-2017

Pursuant to the order dated 29.08.2017, learned counsel for the applicants-petitioners seeks to place on record the certificate issued by the D.A.V. Senior Secondary Public School, Ambala City, dated 30.08.2017, stating therein that their daughter, Vartika, is a *bona fide* student of the school, in Class XI, studying in the non-medical course.

The application is allowed subject to just exceptions and the aforesaid certificate is taken on record with the accompanying petition, as Annexure P-7

Nitin
2017/09/13 17:59
I attest to the accuracy and
integrity of this document

thereto.

CM No. _____ CWP-2017

By this application, learned counsel for the applicant-respondent no. 6 seeks to place on record the written statement on behalf of the said respondent.

The application is allowed and the aforesaid written statement on behalf of respondent no. 6 is taken on record.

A copy thereof has been given to learned counsel for the petitioners in Court today.

The Registry is directed to number the application.

CWP No. 13871 of 2017

After many hearings in this case, by which the petitioners have challenged their transfers from the Government Polytechnic, Ambala, and the Government Polytechnic for Women, Ambala, respectively, to the Government Polytechnic, Nilokheri, vide the impugned order Annexure P-3 (colly), on the ground that petitioner no. 1 had been unfortunately suffering from cancer, it has been seen, as already recorded in the previous orders, that the medical certificate issued to her by the Medanta Hospital, Gurugram, dated 11.07.2017, (which is now ordered to be taken on record as Annexure Mark-A with the petition, it not having been earlier done), she is required to visit the hospital for a follow up every six months, and at the moment her condition is stable.

That being so, whether she visits the hospital from Ambala or Nilokheri, would be immaterial.

However, as per the certificate which has been taken on record today as Annexure P-7, the petitioners' daughter is indeed seen to be a student at a school in Ambala City, in Class XI, pursuing the non-medical Course.

The petitioners have also impleaded Sarita Mann, a Lecturer in Applied Sciences (Physics) and Gurpreet Singh, a Senior Lecturer (Physics), both teaching at Government Polytechnic, Nilokheri, District Karnal, who have, vide the impugned order Annexure P-3 (colly), been posted to Government Polytechnic, Ambala and Government Polytechnic for Women, Ambala City, respectively against the posts occupied by the petitioners.

As regards respondent no. 6, Sarita Mann, Ms. Nupur Chaudhary, learned counsel appearing for her, submits that she was earlier posted at Ambala but was posted out in 2015 to Nilokheri, from where she has been posted back.

Ms. Chaudhary has also submitted that she has two school going children, aged 06 and 08 years, with her husband also being posted in Ambala, (her husband being also a Lecturer, in the Government Polytechnic Amabala City, in Automobile Engineering).

As regards Gurpreet Singh (respondent no. 7), his wife is also posted as a Laboratory Attendent in the Government Polytechnic for Women, in Ambala City.

Mr. Partap Singh, learned counsel appearing for Gurpreet Singh-respondent no. 7, submits that he was posted to Nilokheri in 2013, he earlier having been posted to different places, and he therefore has completed about 04 years at Nilokheri and further, that he and his wife have unfortunately lost their only son.

At an earlier stage of hearing in this case, this Court had directed learned counsel for the State to find that as to why respondent no. 7s' wife could not be posted to Nilokheri, so as to accommodate the petitioners and respondent no. 6 at Ambala itself.

In response thereto, learned counsel for the State had submitted that there is no vacant post of a Laboratory Attendent at Nilokheri and even if somebody else were to be posted out, the petitioners' purpose of the couple being posted to the same place would not be served. Further, Gurpreet Singh himself would then be forced to stay on at Nilokheri beyond 04 years of his stay there, and as such he has a prior right to be transferred out from there, than respondent no. 6-Sarita Mann.

Learned counsel for the State further points to the affidavit of the Director, Technical Education, Haryana, dated 26.08.2017, stating that all possibilities had been examined to adjust all the petitioners as well as respondents no. 6 and 7, with their respective spouses, at different places, and other than by way of the impugned order, no such adjustment is possible.

That being the situation, learned counsel for the petitioners has, upon a suggestion by this Court, agreed that even if one of the petitioners is allowed to be retained at Ambala, in order to ensure that studies of their daughter do not suffer, who is studying in Class XI as already noticed, and further, to look after the 80 year old mother of petitioner no. 2, it would at least partly serve the petitioners' purpose.

Consequently, it is considered appropriate that petitioner no. 1 be allowed to continue to be posted at Ambala, her daughter being at a crucial stage of studies, with the children of respondent no. 6 Sarita Mann yet studying in Classes I and III and moreover, Sarita Mann having been posted to Nilokheri only about 02 years ago. Further, the Ist petitioner having just recovered from a battle with cancer, and her mother-in-law being an 80 year old lady, that is considered to be the best solution.

This petition is consequently disposed of and the impugned order, Annexure P-3 (colly) is partly quashed, to the extent of transfer of Preeti Srivastra (petitioner no. 1) and Sarita Mann (respondent no. 6), with the aforesaid directions, however, ensuring that, subject of course to the medical condition of any person, after the daughter of the petitioners has completed Class XII, respondent no. 6 would have an option to be transferred to Ambala in place of petitioner no. 1.

In the meanwhile, as Ms. Chaudhary, learned counsel for respondent no. 6, has also stated that the said respondent can still be adjusted at Ambala on account of extra classes being conducted at Ambala, with students admitted to the Government Polytechnic, Nanakpur (District Panchkula), actually studying in Ambala (with the infrastructure at Nanakpur still not been complete), the Director would consider the possibility of retaining her for teaching such classes, provided of course the students at Nilokheri do not suffer, on account of any disturbance of the student-teacher norm in there institute, qua the subject that respondent no. 6 is teaching. If such norm is disturbed just to accommodate respondent no. 6, the Director would be answerable for the same.

September 06, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No.