

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No.17641 of 2017

Date of Decision: August 11, 2017

Sunita Rani

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. G.S. Sharan, Advocate, for the petitioner.
Mr. R.K. Doon, AAG, Haryana.

Amol Rattan Singh, J. (Oral)

Pursuant to the order of this Court dated 09.08.2017, an affidavit of Sh. Rajiv Rattan, Director, Secondary Education, Haryana, has been filed in Court today by Mr. Doon, a perusal of which shows that it has been stated in paragraph 4 thereof that the Principal of the school in which the petitioner is presently posted, relieved the petitioner without any posting orders having been issued and without any prior approval of the competent authority. Consequently, the Principal has been directed to allow the petitioner to rejoin the said post, "till she is duly posted in some other school under the provisions of State Transfer Policy, 2016 as amended from time to time".

It has also been stated in paragraph 5 of the affidavit, that the petitioner has approached this Court without approaching the Litigation

Mitigation Committee constituted in the respondent-department.

Whereas, the petitioner being a handicapped person having approached this Court directly on account of her having been relieved after being posted to her present place of posting in June 2017 (before which she is stated to have been posted in District Jind for 5 years), nothing can be held against the petitioner on that score.

Mr. Doon, learned State counsel, also submits that the petitioner did not exercise her option as regards her choice of posting, which was to be uploaded on the computer server of the respondent-department, and as such somebody else having exercised that option, to be posted to the petitioners' present school, the error has crept in.

Learned counsel for the petitioner, on the other hand, points to Annexure P-12, to submit that the petitioner, as a matter of fact, did attempt to exercise her option online, but with only two posts having been kept open for posting in the school where she was posted, the computer did not accept her option, she not being eligible to exercise that option, having been posted there in June 2017 only.

As regards the question of posting the petitioner out as per the State Transfer Policy of 2016 (amended uptill date), it is directed that the petitioner having been posted to the present place of posting in June 2017 itself, she would not be relieved from the present place till she is required to be compulsorily posted out after a period of 5 years, as per the policy promulgated in June 2017.

The petition is thus disposed of with the aforesaid direction.

The petitioner would also be entitled to costs of Rs.5,000/-.

August 11, 2017
vcgarg/dinesh

(Amol Rattan Singh)
Judge

Whether speaking/reasoned:	Yes
Whether reportable:	no