

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

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**CWP No.21797 of 2016
Date of Decision : 03.03.2017**

Satya Narayan Swami

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. A.K. Sharma, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, A.A.G., Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged his transfer order dated 06.08.2016 (Annexure P-2) whereby he has been ordered to be transferred from Govt. Senior Secondary School, (Bhiwani Road), Rohtak to Govt. Senior Secondary School, Gudhan, District Rohtak.

It is not disputed that the petitioner is 100% disabled having amputation of both legs, one below the knee and one above the knee. The ground taken for transferring the petitioner was that 2 out of the 3 posts

Secondary School, Rohtak where he was working. It has been further pleaded that in view of this unavoidable circumstance the petitioner being a handicapped person was asked for his option and has been transferred as per his option.

On the other hand, the learned counsel for the petitioner has argued that in fact the withdrawal of only one post of PGT (Geography) could have been justified. On instructions by the concerned official of the department, who is present in Court, the learned Additional Advocate General has accepted that 190 students are studying geography in 10+1 and 10+2. Consequently, as per the guidelines of the Education Department there have to be 5 sections for geography students. Again as per the admitted guidelines there have to be 8 periods of geography per week for every section. Thus the total number of periods for the students of 10+1 and 10+2 studying geography workout to be 40.

Learned counsel for the petitioner further points out that as per the instructions, students who are studying in 9th and 10th class have also to be taught by PGT and a TGT can be assigned this task only where no PGT is available. If those sections are added the total number of periods which have to be taught become more than 40 and as per the guidelines of the Education Department for more than 40 periods two

teachers have to be assigned.

Learned Additional Advocate General has taken specific instructions on all these factual aspects from the official of the department, who is present in Court, and has accepted that these factual assertions are correct.

In the circumstances, it has to be held that withdrawal of two posts of PGT (Geography) from the Government Senior Secondary School, Rohtak is not justified. Resultantly, the respondent No.2 is directed to consider this matter and pass appropriate orders within a period of two weeks from the date of receipt of a certified copy of this order.

Petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 03, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No