

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

**CWP No.24837 of 2016 (O&M)
Date of Decision : 14^h February, 2017**

Sunita Rani

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. G.S.Saharan, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

By this petition, the petitioner has challenged the action of respondent in posting her to Government Senior Secondary School Morni Hills, District Pnachkula.

Brief facts of the case are that the petitioner has visual disability and her husband, who is a JBT teacher in UT, Chandigarh has physical handicap of orthopedics. As per the policy of transfer, persons like petitioner and her husband are entitled to weightage for posting. The petitioner prayed that she be posted in District Panchkula. That request was acceded to and the petitioner was transferred to Government Senior Secondary School, Morni Hills, District Panchkula.

Learned counsel for the petitioner has argued that though at the time of filling up posts, the petitioner had mentioned Morni in her option yet when she went to join over there she discovered that it is far away

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and it is very difficult for her to reach that school. Learned counsel for the petitioner has further argued that there are vacancies in other school including one in Sector 07 Panchkula and by the present petition she may be transferred to that school.

Learned State counsel states that once the petitioner had herself opted for Morni Zone and her posting was made as per her option she cannot now turn around and seek yet another benefit. Of course, legally, the view of the learned State Counsel is unexceptionable but this Court can also not be blind to the blindness of the petitioner. It is a matter of common knowledge that the petitioner is staying with her husband in Chandigarh and the distance to Morni would not take less than two hours one way. Having said that, it is not the province of this Court to direct the respondents to post the petitioner to the school which she wants. However, in view of the hardship of the case law laid down by this Court in **CWP No.16119 of 2016 Pradeep Singh vs. State of Haryana decided on 09.09.2016** would be applicable.

In view of the aforesaid discussion, I deem it appropriate to dispose of this petition with direction to the respondents to reconsider the posting order of the petitioner and try to accommodate her at a station which is not as inconvenient as Morni Hills, District Panchkula. Let necessary exercise be conducted within a period of one month from the date of receipt of certified copy of this order.

14th February, 2017

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No