

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

104

**CWP-25133-2016 (O&M)
Date of decision: 09.02.2017**

Mahabir Singh

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Sandeep Goyat, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

Notice of motion.

2. On the asking of the Court, Mr. Harish Rathee, Sr. DAG, Haryana who is present in the court, accepts notice on behalf of the respondents.

3. In the present writ petition, the petitioner has questioned the order dated 18.10.2016 vide Annexure P11. The petitioner's grievance is relating to Inter District Transfer. Earlier it was rejected and he had approached this court in CWP No. 16514 of 2016. It was allowed on 16.08.2016 while directing the respondent/concerned authority to pass a fresh order after effectively hearing the petitioner. Pursuant to the order dated 16.08.2016, Director Elementary Education, Haryana issued a notice to the petitioner to

appear for personal hearing on 28.09.2016 at 10 am along with ration card. Accordingly, on 28.09.2016 petitioner appeared before the concerned authority. However, in the order dated 18.10.2016, the Director Elementary Education, Haryana has held that the petitioner appeared in person on 28.09.2016 but failed to submit or pur forth any documentary evidence or concrete proof which may prove that his ailing father is totally dependent on him and there is no one to look after him. When the Director Elementary Education, Haryana directed petitioner's personal appearance on 28.09.2016 vide endorsement dated 26.09.2016 Annexure P9 it is stated that the petitioner is required to bring ration card for the purpose of personal hearing. Thus, the petitioner has not taken the other relevant materials for the purpose of pointing out that his father was ailing from certain illness. Had the Director Elementary Education, Haryana informed the petitioner in the notice for appearance on 28.09.2016 vide communication dated 26.09.2016 the petitioner would have in a position to place on record documents sought by the Director Elementary Education, Haryana in the order dated 18.10.2016.

4. In view of these facts and circumstances, Annexure P11 is set aside. Matter is remanded to the Director Elementary Education, Haryana to re-hear the petition and the petitioner is directed to furnish all the relevant records to claim Inter District Transfer as per the policy. The Director Elementary Education, Haryana is directed to hear the petitioner in the Ist week of March. He is also directed to give specific date to the petitioner so as to enable him to appear and furnish the relevant records.

Thereafter, the Director Elementary Education, Haryana is directed to pass a speaking order within a week.

5. CWP stands disposed of.

09.02.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No