

CWP No. 25010 of 2017

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

**CWP No. 25010 of 2017
Date of Decision: 03.11.2017**

Pawan Kumar Sharma

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Anish Batra, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

By this petition, the petitioner, who is stated to be working as a Guest Lecturer in English in the Government Senior Secondary School, Dighana, since 01.01.2009, before which he was working at some other school in the same capacity (as contended), is seeking that he be transferred to a place close to his home village, as his 77 year old mother is living in the village, about 20 kilometres away from his present place of posting.

Learned counsel for the petitioner, at the outset, submits that as regards the first prayer made, he is withdrawing it and now is only seeking that he be considered for transfer as per the transfer policy of the respondent-department, as is applicable to the case of regular employees.

Having considered the aforesaid contention, the alternative prayer made is rejected, for the reason that the transfer policy is applicable only to regularly appointed teachers and not to Guest Teachers/Guest Lecturers, and this Court vide an interim order passed in a different writ petition, filed by regularly appointed teachers, has already directed that the regularly appointed teachers

CWP No. 25010 of 2017

would be first given preference as per the transfer policy, and thereafter any Guest Teachers/Lectures would be adjusted, either at the places where they are already working or at different places wherever work is available for them.

That direction has been given for the reason that Guest Teachers/Lecturers, even as per the very nomenclature of the posts that they hold, are only a stop gap arrangement to fill in the teaching positions at different schools and colleges in the absence of regularly appointed persons, so that the studies of students do not suffer.

However, they (Guest Teachers/Lecturers) cannot trample upon the rights of regularly appointed teachers who are to serve the department continuously for a period of 20 to 30 years and more, and naturally with the respondent-department having framed a rational policy for their transfers, with different parameters given therein, Guest Teachers cannot be included as a part of the same policy, with all teachers regularly appointed to be adjusted in terms thereof. Hence, the case of Guest Teachers/Guest Lectures, for posting to places of their choice, would naturally be subject to availability of work at such places, after regularly appointed teachers have been transferred in terms of the policy.

Consequently, this petition is dismissed, but with the observation that if after all regularly appointed teachers have been adjusted, the petitioner can still be adjusted to a place near his home village, subject naturally availability of work at such place, the respondents would consider that and offer him a posting, accordingly.

November 03, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes