

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

**Civil Writ Petition No.7067 of 2016
Decided on : 11.08.2017**

Shyam Sunder

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Ms. Alka Chatrath, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

G.S. Sandhawalia, J. (Oral)

The petitioner seeks directions for considering the request for inter-district transfer from District Bhiwani to District Rohtak while issuing Transfer List dated 01.04.2016 (Annexure P-6) on the ground that his case falls under Clause 3 (xii) of the Policy dated 06.08.2015 (Annexure P-3).

It is the case of the petitioner that he was appointed as JBT Teacher on 11.10.2000 and was posted in a Government Primary School in District Kaithal. Thereafter, he was transferred to Government Primary School Pataudi, District Bhiwani on 06.10.2006. His wife was working as JBT Teacher in Government Primary School, Khidwali, District Rohtak and a certificate as such has been issued (Annexure P-2) regarding the said aspect. The post of JBT Teacher can be transferred to another district after losing seniority and subject to availability of post. The petitioner wanted his transfer to District Rohtak, on account of difficulty faced by him, his wife and two small school going children and old ailing mother aged 78

years. In view of the policy dated 06.08.2015 (Annexure P-3) he had applied for inter-district transfer alongwith certificates issued by the Principal, Government Senior Secondary School, Khidwali, District Rohtak and his case was also forwarded on 26.08.2015 (Annexure P-4). Neither it was forwarded to the Director Elementary Education nor it was returned back to the petitioner. On the transfer not being made and his name not included, he inquired about his application and came to know that his application was not sent through proper channel. The petitioner submitted representation dated 05.04.2016 (Annexure P-7), which was not considered by the Director Elementary Education. Resultantly, he approached this Court.

The stand taken by the State is that there was wrong dispatch number of 27.08.2015, which was in-collusion with dealing clerk and date of the submission of the application of the transfer was actual 14.09.2015 and, therefore, his case could not be forwarded. However, it has been also admitted by the State that cut-off-date was 15.09.2015 and thus even if his application was submitted on 14.09.2015, it was received before the cut-off-date.

The other defence is taken, he had not submitted his complete case of inter-district transfer alongwith all necessary documents of being a couple case. The said argument also does not cut much ice with this Court, since perusal of the photocopy of the certificate would go on to show that the petitioner had got the same from the school in Rohtak on 21.08.2015 well before the cut-off-date as it was to be appended

alongwith his application.

Once the petitioner was applying against the said proforma and basic condition was that as per Clause 3 (xii) that the teachers had to attach certificates duly issued by the officer where the wife was working. The application form Annexure P-5 was thus on that basis and the certificate had already been taken from the relevant school.

In such circumstances, the stand of the State is not justified by not including the name of the petitioner in the transfer list. Accordingly, the petitioner thus has been prejudiced.

Resultantly, the present writ petition stands allowed and a direction is issued to the State to consider the case of the petitioner for inter-district transfer to District Rohtak on the strength of being a couple case. Needful be done within a period of six weeks from the receipt of the certified copy of this order.

AUGUST 11, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No