

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CWP No.12819 of 2018**

**Date of Decision:-05.07.2018**

**Pankaj Kashyap.**

.....Petitioner.

Versus

**State of Punjab & Ors.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH**

Present:- Mr. B.K. Mehta, Advocate for the Petitioner.

\*\*\*

**JASWANT SINGH, J.(ORAL)**

Petitioner is employed as ETT teacher with the Department of Education (Elementary Education), Punjab. He belongs to the Physically handicapped category with 40% Ortho Disability.

By filing the present writ petition he has challenged the non implementation of his transfer from GPS Lakhon Ke Behram, District Ferozepur to GPS Mohd. Amira, District Fazilka vide order dated 08.11.2017 (P-2).

Learned Counsel for the petitioner submits that vacancy of ETT teacher was available at Mohd. Amira (Fazilka) at the time of passing of the order dated 08.11.2017 (P-2), however, two ETT teachers i.e. the petitioner and Shail Kumari came about to be posted vide same order P-2 against the single vacancy, where Shail Kumari joined prior in time.

It is contended that Shail Kumari was wrongly permitted to join at Mohd. Amira on a wrong premise that she had been posted there on a mutual transfer with the outgoing incumbent Monica Sharma as Monica Sharma was promoted and transferred out to the next higher post of Math Mistress and not as an ETT teacher.

After hearing Counsel for the petitioner, this Court finds that

the petition is devoid of any merit.

The mention of the mutual transfer would not of much significance as the jurisdiction to post Shail Kumari as ETT Teacher at GPS Mohd. Ameera (District Fazilka) was duly vested with the office of Directorate of Elementary Education. It so happens that two ETT teachers i.e. Shail Kumari and the petitioner Mr. Pankaj Kashyap came about to be posted as ETT teachers in the school at Mohd. Ameera although against a single vacancy against which Shail Kumari joined earlier, therefore, the petitioner remained posted and continued at previous place of posting. Now after a period of almost 09 months it would be extremely unequitable to unsettle the place of posting of the respective ETT teachers. The petitioner would be free to represent for his transfer on the basis of his handicapped category in the next transfer season.

In view of the above no interference under Article 226 of the Constitution is made out.

Dismissed.

( JASWANT SINGH )  
JUDGE

July 05, 2018  
Vinay

|                                  |               |
|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |