

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

**C.M. Nos. 7131-32 of 2018 in/and
Civil Writ Petition No. 16264 of 2017 (O&M)
Date of Decision: 21.05.2018**

Nisha

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. C.M. Munjal, Advocate
for the applicant-petitioner.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab
for respondent Nos. 1 & 2/State.

JASWANT SINGH, J. (ORAL)

Petitioner (Nisha), who is working as Hindi Mistress, seeks quashing of the order dated 26.05.2017 (**Annexure P-5**) issued by the Director, Education Department (Secondary), Punjab, whereby the earlier transfer orders transferring the petitioner from GSSS, Bhalaipur Dogra, Tarn Taran vide order dated 25.05.2017 to GHS, Shatirwala, Fazilka, were cancelled.

This Court, while issuing notice of motion vide order dated 26.07.2017, did not issue any interim protection.

It is a conceded position that the petitioner has continued to work at GSSS, Bhalaipur Dogra, Tarn Taran, and, thus, was unable to avail the benefit of her transfer to GHS, Shatirwala, Fazilka, where she is residing in her matrimonial home.

Upon notice and filing reply in main case, the same stands adjourned to 10.09.2018.

Now an application bearing **CM No. 14557 of 2017** has been filed by the counsel for petitioner for correcting the name of the private respondent No. 3 from Smt. Sakshi to Smt. Geeta.

Another application bearing **CM No. 7132 of 2018** has also been filed for issuing directions to the official respondents for adjusting the petitioner as Hindi Teacher against a vacant post at Govt. Senior Secondary School for Girls, Fazilka.

At the time of hearing, counsel for the petitioner realizing that the challenge to the order dated 26.05.2017 (**P-5**), cancelling the transfer of the petitioner from Tarn Taran to Fazilka, is primarily on the alleged medical illness of the petitioner; which is not correctly translated or depicted in the supporting documents, thus, makes a two-fold oral prayer; (i) to prepone the actual date of hearing of the main case from 10.09.2018 to be taken up today itself; and (ii) for permitting to the withdrawal of the main petition to enable the petitioner to file fresh one with better/correct particulars. That apart, counsel for the petitioner realizes that a new transfer season has commenced and, therefore, the petitioner would be free to make another representation for posting in School at Fazilka.

Learned State Counsel neither objects to the request of preponment of hearing nor to the withdrawal of the main petition with permission to file fresh one.

In view of consent of parties, main case is preponed from 10.09.2018; the same is taken up today itself; and further on the prayer

made by counsel for petitioner, the same stands **dismissed as withdrawn** with liberty, if so advised, to file fresh one on the same cause of action.

Since the main case has been decided, therefore, no orders are required to be passed in the pending miscellaneous application(s), if any, and the same stand(s) disposed of.

May 21, 2018
'dk kamra'

(JASWANT SINGH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>