

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17088 of 2017

Date of Decision: 19.09.2018

Anita Rani and others

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Anish Batra, Advocate, for the petitioners.

Mr.Kiran Pal Singh, AAG., Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is praying for quashing the action of the respondents declaring them ineligible for the transfer drive and further seeking directions to the respondents to allow the petitioners for participating in the general transfer drive as per the transfer policy 2017.

As per Teacher Transfer Policy, 2016 amended as on 01.06.2017, the teacher who have completed 5 years stay/tenure in a particular school/zone of any district(s), whether independently in a district or cumulatively of more than on district, of the State shall be transferred. The grievance of the petitioners is that they have completed more than 5 years on one zone but they were declined eligible for transfer as per Annexure P-2 colly. Subsequently, they were made ineligible as per Annexure P-4 colly. Hence, the present writ petitioner has been filed.

On notice, a short reply has been filed by the Joint Secretary to

Government of Haryana, Secondary Education Department, Shiksha Sadan,

Sector-5, Panchkula, on behalf of respondents No.1 and 2, petitioners have participated in general transfer drive carried out on 06.08.2016 and such teachers shall not be allowed to seek transfer before the completion of his/her stretched tenure of next five years. As per order dated 10.08.2016 (Annexure R-1), if no option may be received for a “deemed vacancy”, in such a case, teacher occupying that post will be allowed to continue in the same school for the next tenure of five years and such teachers shall not be allowed to seek transfer before the completion of his/her stretched tenure of next five years.

Learned counsel for the petitioner submits that the order dated 10.08.2018 (Annexure R-1) cannot be made basis not to consider their case for transfer as petitioner were given message (Annexure P-3) that they were eligible for transfer and they need not to give option Yes/No and further petitioners case for transfer has been declined.

On a specific query to the counsel for the petitioners, he has informed that petitioner No.1 i.e. Anita Rani was transferred on 10.08.2016 on administrative grounds at the district Jind and petitioner No.2 i.e. Dalbir Singh was transferred on 06.08.2016 as general transfer at the district Hisar and respondent No.3 i.e. Sukhwinder Singh was transferred on 06.04.2007 as general transfer.

In view of the above, as per Transfer Policy, 2016, the case of the petitioners No.1 and 2 is liable to be dismissed as on the date of when policy came into existence, they were required to be completed 5 years on the current place of posting which was made them eligible to the petitioners No.1 and 2 to participate in the general transfer drive. As such, present writ

petitioner No.3 i.e. Sukhwinder Singh as per his service profile and application (Annexure P-6), he has not been transferred for last 10 years from the current place of posting i.e. From 06.04.2007. Hence, the present writ petition is allowed qua respondent No.3 i.e. Sukhwinder Singh by giving directions to the respondents to consider his case for transfer as per Transfer Policy (Annexure P-1) and pass appropriate orders within two weeks from the date of receipt of the copy of this order.

(RITU BAHRI)
JUDGE

19.09.2018

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No