

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

CWP No. 20999 of 2016

Date of decision : 02.08.2018

Hari Om

..Petitioner

versus

State of Haryana and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.L. Goyal, Advocate, for the petitioner.

Mr. Kiran Pal Singh, A.A.G. Haryana

RITU BAHRI, J. (Oral)

The present petition is for issuance of writ in the nature of certiorari quashing the impugned order of transfer dated 17.09.2016 (P-5) whereby petitioner has been transferred from Government Primary School, Jhinjjar, Block Baund Kalan, District Bhiwani to Government Primary School Bidhwan, Block Siwani, District Bhiwani

Petitioner who was appointed as JBT Teacher with respondent-department on 12.07.2004, applied for transfer at different places within the District, but zone wise, in view of policy instructions (P-1 and P-2). The petitioner who opted to be transferred to Government Girls Primary School, Ranila was rejected on the ground that his age is less than 50 years. But on the contrary, respondent No. 3 is ordered to be transferred by way of manual order dated 17.09.2016 against a deemed vacancy despite his age being less than 50 years of age. Even petitioner has secured 39.3977 marks as per criteria given in the policy and respondent No. 3 secured 34.5918 marks.

In the reply filed by the respondents, the above said facts have

not been disputed. It has been stated that some teachers who were below 50 years have been given station but it is a temporary arrangement.

In view of the above factual position, the present petition is allowed and order of transfer dated 17.09.2016 (P-5) is quashed and a direction is given to the respondents to adjust the petitioner at Government Girls Primary School, Ranila, District Bhiwani forthwith from the date of receipt of certified copy of this order, being higher in merit to respondent No. 3.

02.08.2018
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>