

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.25519 of 2016

Date of Decision: 16.10.2018

Rajesh Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Ashok Bhardwaj, Advocate, for the petitioner.

Mr.Gaurav Jindal, Addl.A.G.Haryana.

RITU BAHRI, J. (ORAL)

Petitioner is seeking the directions to the respondent No.2 to his transfer as per the preference given by him, vide his application forwarded by the respondent No.4 on 01.09.2015.

The brief facts of the case are that petitioner was appointed as C&V (Hindi) Teacher on 20.02.2001 and was posted at Govt. Senior Secondary School Dhottar, Distt. Sirsa where he was working for last more than 15 years. Pursuant to the District Transfer Policy regarding JBT and C&V teachers (Annexure P-1), petitioner has forwarded his application form for his transfer and gave order of preference of Districts Gurgaon, Rewari and Jhajjar on the ground that he was appointed as JBT Teacher on 06.01.2011 and was posted at Govt. Primary School Haily Mandi, Block Pataudi, District Gurgaon as per certificate (Annexure P-3). He further submits that he has two children and parents are old about 70 years of age.

Petitioner is seeking parity keeping in view the order dated 28.11.2016

(Annexure P-4) whereby, respondents have issued orders for inter district temporary adjustment of PTI Teacher, Punjabi Teachers, Drawing Teacher and Sanskrit Teachers but unfortunately no such order has been passed regarding Hindi Teachers. The application form of the petitioner was forwarded by the respondent No.4 vide letter dated 01.09.2015 (Annexure P-2) to the respondent No.3 but no action has been taken in this regard.

Upon notice, written statement was filed by respondents No.1 to 4 and only stand has been taken therein that they are not transferring the Hindi teacher as sanction strength as on 11.04.2012 of the teachers in the subject of Hindi as 110 and present total 134 teachers are working and as per details given in other district, most of the districts have more Hindi Teacher than required, therefore, the case of the petitioner for his transfer has been rightly declined. On 21.09.2018, a direction was issued to the respondents to consider the case of the petitioner as per transfer policy being a couple case as wife of the petitioner is working as JBT Teacher in Gurugram and the petitioner who is working in District Sirsa for the last more than 17 years. Learned counsel for the State has got the instructions from the Department that petitioner has handed over his application as per policy (Annexure P-1) and in view the RTI information dated 08.10.2018 wherein, it has been shown that total sanction post of Hindi Teachers is 160 out of which 87 is regular in nature and 29 posts are meant for guest teachers and total 44 posts are lying vacant.

Accordingly, present writ petition is disposed of by giving direction to the respondent/Department to consider the case of the petitioner as per District Transfer Policy regarding JBT and C&V teachers (Annexure

Hindi and vacancies of Hindi Teachers are available in Government School, Noor Gargh (Gurgaon) and Govt. High School Mehchana (Gurgaon). This exercise shall be done within a period of two weeks from the date of receipt of a certified copy of this order

Learned counsel for the petitioner further submits that the District Transfer Policy regarding JBT and C&V teachers (Annexure P-1) has been framed on 06.08.2015. However, State has not implemented the framed policy till yet. As such, the case of the petitioner be considered under old policy (Annexure P-1).

(RITU BAHRI)
JUDGE

16.10.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No