

CWP-29372-2018 (O&M)

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

Decided on: November 29, 2018.

(1)

CWP-29372-2018 (O&M).

Sudhir Kumar

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

(2)

CWP-29389-2018 (O&M).

Davinder Kaur

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

(3)

CWP-29498-2018 (O&M).

Sarj Singh

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CWP-29372-2018 (O&M)

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

*** * ***

**PRESENT Mr.P.S.Khurana, Advocate,
for the petitioner(s) in all the three writ petitions.**

Mrs.Anu Chatrath Kapoor, Addl.A.G, Punjab.

JASWANT SINGH, J. (ORAL)

This common order of mine will dispose of all the aforesaid three writ petitions as all the three teachers i.e. petitioner (Sudhir Kumar) who has been working as S.S. Master since last almost 18 years; petitioner (Devinder Kaur), who has been working as a Computer Faculty on regular basis and has remained posted there for the last 7-8 years whereas petitioner (Sarj Singh) who has been working as Master in Punjabi since last almost 18 years in GHS Rajpura, Block Abohar, District Fazilka, have been transferred to different schools in District Tarn Taran vide impugned orders dated 15.11.2018, passed separately.

Upon notice, an affidavit dated 29.11.2018, of the officiating Director Public Instruction (Secondary Education) Punjab, has been filed explaining the chaotic situation which the teaching staff including the three petitioners had created in the GHS Rajpura, Block Abohar, District Fazilka.

Counsel for the petitioners has stated that all the three petitioners were on leave on the stated dates on which Smt.Indira Park,

CWP-29372-2018 (O&M)

Hindi Mistress was to join and therefore, on that count alone, the impugned transfer of the petitioners is stated to be by way of victimization.

On the other hand, learned State counsel points out that a careful perusal of the preliminary enquiry conducted, of the incident at the said school, reveals that all the three petitioners being senior most staff members of the School intentionally proceeded on leave to avoid joining of the regularised teachers in the said school as per directions of the DPI (Secondary Education), Fazikla. Their conduct shows a complete lack of professional responsibility. Learned State counsel further states that even otherwise all the three petitioners have exceeded their permissible periods of stay in terms of the transfer policy.

After hearing the counsel for the petitioners as well as the learned State counsel and perusing the material placed on record coupled with the long period of stay of the petitioners, this Court finds that the action of the respondents in transferring the petitioners out of said school does not suffer from any vice of arbitrariness or illegality. It is a conceded position that the transfer is an incidence and not a condition of service as also that the Masters and Mistress cadre is a State Level Cadre and the petitioners are liable to serve anywhere in the State of Punjab. The fact finding enquiry conducted by a *Three Member Committee* also shows that the atmosphere of the school stands vitiated and it would not be in public interest to permit the petitioners to continue at the same place of posting.

In view of above all the above three petitions are

CWP-29372-2018 (O&M)

dismissed.

A copy of this order be placed on the file of each
connected case.

(JASWANT SINGH)
JUDGE

November 29, 2018.
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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No