

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

CWP No. 9574 of 2018

Date of Decision: 20.04.2018

Jitender Singh and others

...Petitioners

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashok Bhardwaj, Advocate
for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

1. The petitioners belong to the Mewat Cadre and teaches different subjects in schools as a Post Graduate Teacher. By a general order dated 26.03.2018, 65 transfer and postings have been ordered. The names of petitioners figure at serial No. 1, 4, 32, 35, 39 and 45 of the list. All the 65 transfers are from Government Senior Secondary Schools to District Institute of Educational Training (DIET) but, there is a condition in the endorsement at No. 7 which contains a rider that head of the Institutions concerned are directed to ensure that any PGT from Mewat Cadre may not be relieved in case he/she is allotted DIET/BITE/GETTI in other than Mewat District.

2. Mr. Bhardwaj contends that State cannot be seen to give with one hand and take away by the other. He cites administrative precedent in the case of one Naveen Gautam (096808) who was PGT, Psychology, GETTI, F.P. Namak, Mewat and was transferred vide order

dated 11.04.2017 to GMSSSS Bilaspur (Yamuna Nagar) against vacancy and he belongs to the Mewat Cadre like other petitioners. Despite the order, Naveen Gautam was not relieved from Mewat which led him to file CWP No. 16549 of 2017 with the co-petitioner in which notice of motion was issued on 20.07.2017 by passing the following order:

“Learned counsel for the petitioners submits that though the petitioners belong to the Mewat cadre, there is no bar on their transfer outside district Mewat and as a matter of fact that is why vide the order dated 11.04.2017 (Annexure P-2), the petitioners have been so posted, with the first petitioner posted to Bilaspur (Yamuna Nagar) and the second petitioner to Rewari.

However, it is contended that the endoresement at serial No.7 with that order, to the effect that the teachers of the Mewat cadre would not be relieved, is wholly without rationale, as it negates the consequence of the aforesaid order, altogether.

Notice of motion.

On the asking of the Court, Mr. R.K. Doon, AAG, Haryana, accepts.

A copy of the petition be handed over to him immediately.

Adjourned to 04.08.2017.

In the meanwhile, the two posts in question, at Bilaspur and Rewari, are not to be filled up till the next date of hearing.

To be shown in the urgent list.”

3. It appears that on 20.07.2017, the Director Secondary Education, Panchkula pass a general order relating to Mewat Cadre PGT who were transferred to various PGTs vide order dated 27.05.2017 shall be immediately relieved from the present posting stations so that they may join at their respective DIETs.

4. Counsel states that Naveen Gautam has also been relieved to join at Yamuna Nagar. He relies on the administrative precedent. He cites other instances where government have transferred PGTs from Mewat to different cadres and there was no rider put in those transfer and posting orders. Since there is administrative precedent, then in the considered opinion of this Court, and without expressing any final opinion on the issues involved, a direction should go to the respondent-Department to consider the legal notice/representation dated 28.03.2018 which was forwarded by the District and Education Officer (Annex. P-13) to the quarters concerned (Director School Education, Panchkula). Accordingly, direction is issued to the competent authority to decide the representation in accordance with law by passing a speaking order in case the request of the petitioner has to be declined for any valid reason.

Let the consideration take place without delay and within a period of a fortnight from the date of receiving of the certified copy of the order, since the matter relates to educational institutions where the students should not suffer by reasons of delay in posting teachers to their schools, of any kind.

5. With these observations and directions, the present petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

20.04.2018
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Whether speaking/reasoned : *Yes*
Whether reportable : *No*