

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

LPA No.580 of 2019

Date of Decision :26.03.2019

Rajwant Kaur

.....Appellant

Versus

The State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Prince Goyal, Advocate for the appellant.
Mr. Avinit Avasthi, AAG, Punjab.
Mr. Amanpreet Singh, Advocate
for respondent No.3-caveator.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This intra Court appeal under Clause X of the letters patent is directed against the judgement and order dated 31.01.2019 passed by the learned Single Judge dismissing the writ petition filed by the appellant challenging the order of transfer from Government High School, Bhaini Mehraj, District Bhatinda to Government Middle School, Golewala, Talwandi Sabo, District Bhatinda.

The order of transfer was challenged on two grounds; one that the school where she was transferred was at a distance of 80 kilometers from the place of her residence and the second ground was that she had made certain complaints against respondent No.3, the then Chairman of the institution who has got her transferred on account of mala fide intention. It is not in dispute that initially the stay order was passed, on the basis of which the petitioner continued to remain in the same school till dismissal of the writ petition. It is also not disputed that she holds a transferable post.

Learned Single Judge after analyzing the material on record has returned a finding that ***'the story set up by the petitioner that she has been transferred due to ulterior motive and consideration at the instance of respondent No.2, is not supported by any material on record, therefore, cannot be taken as gospel truth'***.

After perusal of the entire material on record, even we are also of the same view that except for making bald allegations in two paragraphs of the writ petitions, there is absolutely no material to support the allegations and thus the alleged mala fide cannot be said to be made out, nor can the order of transfer can be said to be outcome of any mala fide reason. Undisputedly the appellant has continued in the institution for about 7 years thus we find no good ground to interfere with order of the transfer or the impugned order passed by the learned Single Judge dismissing the writ petition. The appeal accordingly stands dismissed. However, much time has elapsed since the transfer order was passed it shall be open to the respondents to reconsider the question of placement of the appellant in accordance with law.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.03.2019

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No