

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

CWP No. 17803 of 2017 (O & M)

Date of decision: 09.12.2019

Rajni

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: None for the petitioner.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of the transfer order dated 03.08.2017 (Annexure P-1) wherein, she has been transferred under the Teachers Transfer Policy, 2016. The order was stayed on 11.08.2017 by noticing as under:-

“Upon notice having been issued yesterday in this petition, learned State counsel had made a request that it be taken up today itself, for him to show that the petitioner may have actually had a long stay within a particular zone.

In the pre-lunch session, learned counsel for the State, on instructions from Mr. Baljit Ram, Legal Consultant, Education Department (Elementary), had submitted that the petitioner has been posted within Zone-I for 06 years, 02 months and 01 days, as per the computer printout, also produced in Court today.

However, in the post-lunch session, learned counsel for the petitioner submits that the petitioner was posted into Zone-I, i.e. at the Government Middle School, Sunderpur, Kurukshetra, on 20.05.2014, and as such, she has been within Zone-1 only for approximately three years, Zone-I being such schools as are located within the municipal area of the city of a District Headquarter, as per the policy of the Government, Annexure P-2.

On a specific query, he submits that prior to Sunderpur, the petitioner was posted at the Government Senior School,

village Kamoda, which does not fall within the municipal area of Kurukshetra.

Hence, in view of the fact that the petitioner has remained on her place of posting for only three years and does not prima facie at least seem to have completed five years in Zone-I, the impugned orders shall remain stayed, till the next date of hearing.

Adjourned to 23.08.2017.

Reply be filed in the meanwhile.”

A period of more than 2 years and 4 months has gone by. The case was listed in the urgent list vide order dated 05.12.2019 and the counsel for the petitioner had taken time to take instructions. Today, the case has been called twice, however, none is present on behalf of the petitioner. The currency of the dispute has obviously run out and the petitioner has got the benefit of the stay for all this period. It is settled principle that transfer orders are not to be interfered with except having been passed with a mala fide intention or in arbitrary manner.

In such circumstances, the benefit having been already granted vide the interim order, the writ petition is not liable to be entertained further.

Accordingly, the same is dismissed.

09.12.2019
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No