

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

Date of decision : 02.04.2019

1. CWP No.20301 of 2018
Manju Bala and others
Vs.
State of Haryana and others
...Petitioners
...Respondents
2. CWP No.2554 of 2018
Archana Arora and others
Vs.
State of Haryana and others
...Petitioners
...Respondents
3. CWP No.2875 of 2018
Naveen Chaudhary
Vs.
State of Haryana and another
...Petitioner
...Respondents
4. CWP No.4016 of 2018
Rajbeer Singh
Vs.
The State of Haryana and another
...Petitioner
...Respondents
5. CWP No.5114 of 2018
Sunil
Vs.
State of Haryana and another
...Petitioner
...Respondents

6. CWP No.3084 of 2018
Ajay Kumar and others ...Petitioners
Vs.
State of Haryana and others ...Respondents
7. CWP No.3843 of 2018
Narender Kumar and others ...Petitioners
Vs.
State of Haryana and others ...Respondents
8. CWP No.3177 of 2018
Ranvir Singh and others ...Petitioners
Vs.
State of Haryana and others ...Respondents
9. CWP No.20278 of 2018
Ajit Singh and others ...Petitioners
Vs.
State of Haryana and others ...Respondents
10. CWP No.18406 of 2018
Devendra Kumar and others ...Petitioners
Vs.
State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikram Sheoran, Advocate,
for the petitioners (in CWP-20301, 2554, 2875, 4016, 3084,

3843, 3177, 20278 & 18406-2018).

Mr. Kamal Mor, Advocate,
for the petitioner (in CWP-5114-2018)

Mr. Harish Nain, AAG, Haryana.

Ritu Bahri, J. (oral)

This judgment shall dispose of CWP Nos.20301, 2554, 2875, 4016, 5114, 3084, 3843, 3177, 20278 & 18406 of 2018 as common questions of law and facts are involved in all the petitions. For reference, facts are taken up from CWP No.20301 of 2018.

Petitioners are seeking direction to the respondents to give them the benefit of transfer by treating the Guest Faculty vacancies as vacant as per the transfer policy of the year 2015.

Upon notice, written statement has been filed by the respondents taking a stand that School Education Department, Haryana, vide letter dated 29.06.2016 framed the Teachers Transfer Policy (Annexure P-1). This policy was made applicable with effect from the academic session 2016-17. As per Clause 7 (c) of the said policy, posts occupied by the contractual/Guest Teachers were not to be treated as vacant. However, this condition was disputed by a number of teachers/masters/TGT by filing separate petitions. This Court had directed the respondents to consider the posts occupied by the Guest Faculty as vacant posts. Thereafter, Transfer Policy-2016 was amended on 01.06.2017. Clause 8 of the policy affirmed that post occupied by the Guest Faculty teacher has to be considered as vacant. Petitioners opted the schools of their choices and accordingly, the district cadre was allotted to them. It is further clarified that the case

transfer policy dated 06.09.2018 and if, they are eligible, their grievances would be solved.

The aforesaid written statement was filed on 10.01.2019. Thereafter, this Court while deciding CWP No.23646 of 2018 (Rajesh Kumar and others vs. State of Haryana and others), disposed of a bunch of petitions on 05.03.2019, where the inter district transfer policy dated 06.12.2018 was examined and Mr. D.K. Behera, Director Elementary Education, Haryana, made a statement before the Court that concept of mutual transfer was considered upto the Government level, but this concept was declined as Cadre Change Policy was not a transfer drive, but it was an appointment in other district by way of transfer.

Even in the present case, petitioners have already given their options in the Inter District Transfer Policy dated 06.09.2018. Hence, at this stage, no direction is required to be given to the respondents to give them postings as per the Transfer Policy of 2015.

Accordingly, all these petitions are disposed of in view of the order dated 05.03.2019 passed by this Court in Rajesh Kumar's case (supra). However, the petitioners are at liberty to challenge their postings in accordance with law, in case their grievance is not resolved.

02.04.2019
ajp

(RITU BAHRI)
JUDGE

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