

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

118

**CIVIL WRIT PETITION NO.306 OF 2020
DATE OF DECISION: JANUARY 23, 2020**

Harjot Kaur

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Barjesh Mittal, Advocate,
for the petitioner.

Ms.Monica Chhibber Sharma, Sr.Deputy Advocate General,
Punjab, for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court, praying for issuance of a direction to amend/correct the appointment order dated 04.07.2019 (Annexure P-7), where it is asserted that inadvertently and wrongly name of parental school of the petitioner has been mentioned as Government Middle School, Jalalkhera, Patiala, whereas it should have been Government Model Senior Secondary School, Pheelkhana, District Patiala.

It is the contention of learned counsel for the petitioner that the petitioner was initially appointed at Government Model Senior Secondary School, Pheelkhana, District Patiala. While she was serving there, there were certain temporary adjustments which were made and the petitioner, as a temporary arrangement, was posted at Government Middle School, Jalal Khera, Patiala. This adjustment ultimately came to an end by passing of an order dated 28.02.2019 (Annexure P-4). Petitioner, in pursuance thereof joined her parental school i.e. Government Model Senior Secondary School,

Pheelkhana, District Patiala. It is asserted that the Principal of the school was required to upload the parental school of the employees concerned, including the petitioner but he probably failed to do so because of which in the regularization order dated 04.07.2019 (Annexure P-7), petitioner has been posted at Government Middle School, Jalal Khera, District Patiala, which was a stop-gap-arrangement made, which has come to an end with the passing of the order dated 28.02.2019 (Annexure P-4). He, thus, contends that the inaction on the part of the Principal has resulted in posting of the petitioner at Government Middle School, Jalal Khera, District Patiala instead of Government Model Senior Secondary School, Pheelkhana, District Patiala. Petitioner has submitted various representations to the authorities for amendment/correction of the order of regularization but to no avail.

Counsel has also placed reliance upon a commendation certificate (Annexure P-13) issued to the petitioner by the Secretary, Government of Punjab, Department of School Education, appreciating her work, wherein she had obtained 100% result for the school in the subject which she was teaching i.e. English. Apart from this, counsel for the petitioner has further asserted that there are only 3 posts of Master/Mistress sanctioned in Government Middle School, Jalal Khera, Patiala and already 4 Masters/Mistresses are working there. Petitioner would be the 5th Mistress in the said school. He, therefore, contends that without a vacant post being available there, the petitioner could not have been posted there nor could her services be regularized there. Counsel also states that there is no sanctioned post of English Master/Mistress in the said school. He, thus, contends that the impugned order dated 04.07.2019 (Annexure P-7)

deserves to be amended/modified as prayed for.

The stand of the respondents, on the other hand, is that these are all fictions, which have been projected by the petitioner. The fact remains that there is a sanctioned post available of Master/Mistress in the Government Middle School, Jalal Khera, Patiala against which the petitioner has been posted by the competent authority and her services have been regularized. Therefore, she is required to join the said place of posting. The non-joining of the petitioner on the said post on one pretext or the other is, thus, not acceptable.

Another argument, which has been raised by counsel for the petitioner at this stage is that the petitioner is an unmarried girl and her mother is a widow, to which counsel for the State has responded that the distance between Pheelkhana and Jalal Khera is 8 K.Ms only. If that be so, the pleas, which have been taken by the petitioner are all without any basis and, therefore, the writ petition does not have any merit.

Accordingly, the writ petition stands dismissed.

Counsel for the petitioner, at this stage, states that the petitioner shall join at the place of posting tomorrow. The said prayer of counsel for the petitioner is accepted. On the petitioner joining at Jalal Khera, no action be taken against her for not joining there earlier.

January 23, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No