

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

**CWP-6941-2020 (O&M)
Date of Decision:19.03.2020**

Sunita Devi

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Tara Dutt, Advocate for
Mr. S.K. Nehra, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner who was serving as a JBT Teacher under the Haryana Education Department was provisionally promoted against the post of Head Teacher district cadre vide order dated 10.02.2020 (Annexure P-1).

Grievance raised in the instant petition is that vide order of promotion, petitioner stands transferred from Government Primary School, Beeswameel, Block Rai, District Sonapat to Government Primary School, Kalupur.

It is the submission raised by counsel that the petitioner is ready and willing to forego promotion and as a direct consequence thereto, she is entitled to continue on the post of JBT Teacher at Government Primary School, Beeswameel. The sole contention raised by counsel is that as per Transfer Policy/guidelines framed by the State Government, a teacher can continue in a particular zone in a district for a period of 5 years. It is urged that the petitioner had joined at Government

Primary School, Beeswameel on 20.09.2016 and the period of 5 years is yet to elapse.

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that no basis for interference is warranted.

Petitioner of her own volition wants to give up the benefit of promotion. Even if that be so, it is open for the State Government to depute/transfer the petitioner in the capacity of a JBT Teacher to any school within Sonapat district as JBT teacher is a district cadre post. Terms and conditions contained in a Transfer Policy do not vest in an employee an enforceable right. A reference in this regard may be made to the decision of the Hon'ble Supreme Court in **Union of India Vs. S.L. Abbas, 1995 (4) SCT 455.**

These are matters which ought to be agitated by the concerned teacher before the Education department itself.

In view of the above and while declining to interfere in the instant writ petition, liberty is granted to the petitioner to approach the concerned authority under the State Education Department as regards her grievance.

Disposed of.

19.03.2020

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |