

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.10919 of 2017

Date of Decision: 12.02.2020

Anil Kumar

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sudhir Hooda, Advocate,
for the petitioner.

Mr. Randhir Singh, Advocate,
for respondent-State.

RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing of the order dated 17.03.2017 (Annexure P-10), whereby his claim for transfer under the Inter District Policy dated 06.08.2015 (Annexure P-2) has been rejected.

A perusal of the order dated 17.03.2017 (Annexure P-10) shows that pursuant to the order passed by this Court in CWP No.23392 of 2016, titled as **Anil Kumar vs. State of Haryana and others**, (decided on 10.11.2016) (Annexure P-9), direction was given to the respondents to decide his representation. Pursuant to the said order, representation of the petitioner was considered by observing that he had requested for transfer from GPS Buraka, District Mewat to Rohtak, Jhajjar and Gurugram. As per Inter District Transfer Policy dated 06.08.2015, last date for submission of applications along with all documents, was 15.09.2015. However, application of the petitioner for Inter District Transfer had not been received

in the office of Directorate uptill the last date. Hence, his claim was not made out.

Upon notice, reply on behalf of respondent Nos. 1 and 2 has been filed, wherein it has been stated that comments were sought from District Elementary Education Officer, Mewat because application for Inter District Transfer was not received in the office of Directorate. As per information received from the District Elementary Education Officer, Mewat, application form of Sh. Anil Kumar (1026162), GPS, Buraka, was received in the said office on 07.09.2015. But, due to typing mistake, ID number of the teacher was wrongly mentioned. The said information was sent to the office of Directorate on 04.04.2016 after issuing of Inter District Transfer Order dated 01.04.2016. By that time, last date for submission of application form had gone and name of the petitioner for inclusion in the transfer list, could not be considered. Further, as per record of Directorate, only one Inter District Application form of another person namely, Anil Kumar, JBT (1027353) of GPS, Buraka was received and ID number reflected with respect to the petitioner i.e. 1026162, was never received in the office. Since correct application form was not received in time, case of the petitioner for Inter District Transfer was rejected. The respondents have referred to the order dated 16.01.2017 passed by this Court in CWP No.17800 of 2016 (**Raj Kumar vs. State of Haryana and others** (Annexure R-1), whereby issue of cut off date in respect of applications for Inter District Transfer has been considered. In that case, since the application was never received in time, the writ petition was dismissed.

In the present case, written statement was filed on 18.09.2017.

No replication has been filed till date. Keeping in view the fact that correct

application form of the petitioner was never received in the office of Directorate through the District Elementary Education Officer, no case for quashing of the impugned order dated 17.03.2017 (Annexure P-10) is made out.

Resultantly, this petition is dismissed. However, petitioner shall be at liberty to participate in the next transfer drive in accordance with law.

(RITU BAHRI)
JUDGE

12.02.2020
ajp

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No