

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

CWP-970-2021(O&M)

Date of decision:03.03.2021

Pardeep Kumar Kalia

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms.Alka Chatrath, Advocate for the petitioner

Ms. Ambika Bedi, AAG, Punjab

ANIL KSHETARPAL, J.

The petitioner through this writ petition assails the correctness of order transferring him from Government Model School, Rayya Khurd, Amritsar to Government Senior Secondary School, Chamiari, Amritsar.

On 15.01.2021, the following order was passed by this Court:-

“Learned counsel for the petitioner contends that the petitioner has been transferred from Govt. Model School, Rayya Khurd, Amritsar to Govt. Sr. Secondary School, Chamiari, Amritsar, which is at a distance of 80 kms from the previous place of posting by passing an order which is stigmatic in nature. She further contends that such order has been passed without granting opportunity of hearing to the petitioner.

Notice of motion to respondent No. 1 to 3 only at this stage.

On the request of the Court, Mr. Ayush Sarna, AAG, Punjab accepts notice on behalf of respondent no. 1 to 3 and prays for some time to seek instructions.

List on 22.01.2021.”

The order dated 30.12.2020 reads as under:-

“Smt. Pooja Rani, Punjabi Mistress (Incharge), Government Middle School, Rayya Khurd, (Amritsar), had made a complaint against the shabby condition of the attendance register and by seeking approval from the Principal, Government Girls Senior Secondary School, Rayya for start of new register which was also mentioned by her that keys of the office besides her are also with Sh. Pardeep Kumar, SS Master.

In this context, preliminary inquiry was got conducted by the District Education Officer(S.E.) Amritsar through Principal, Government Senior Secondary School, Beas. The Inquiry Officer had drawn the conclusion in the inquiry report that the facts have come tha the keys of the room in which is attendance register is being kept is with Ms. Pooja, Incharge, Punjabi Mistress and Sh. Pardeep Kumar, SS Master. Both these teachers keep on fighting with each other. Pardeep Kalia, SS Master terms himself to be senior and he does not cooperate with Ms. Pooja. The District Education Officer (SE) Amritsar, has consented to the report made by the Enquiry Officer.

Keeping in view the report made by the District Educatin Officer (S.E.) Amritsar, Sh. Pardeep Kalia, SS Master, Government Middle School, Rayya

(Amritsar), is hereby transferred with immediate effect to Government Senior Secondary School, Chamiari, (Amritsar).”

After hearing learned counsel for the parties at some length, this Court is of the considered view that this writ petition can be disposed of by declaring that the order transferring the petitioner and Ms. Pooja Rani, Punjabi Mistress shall not be treated as a stigmatic order.

Ms. Ambika Bedi, AAG, Punjab, has pointed out that a show cause notice has been issued to the petitioner and he can file his reply.

If that be so, the petitioner shall be at liberty to take all the defences before the concerned authority.

With these observations, the writ petition is disposed of.

03.03.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

(ANIL KSHETARPAL)
JUDGE