

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

123

CWP No.1657 of 2021

Decided on :25.01.2021

Manesh Kumari

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Sumit Sangwan, Advocate
for the petitioner.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India seeks directions for issuance of a writ in the nature of mandamus directing the respondents to transfer her in District Bhiwani from District Kaithal, keeping in view the fact that her daughter is 100% disabled.

It is the case of the petitioner that she was appointed as JBT Teacher on 01.05.2017 and allotted a school in District Kaithal. Her daughter is stated to be 100% disabled both mentally and physically and suffering from severe mental retardation and completely bed ridden. She cannot live without assistance and intensive care of her parents. Disability certificate dated 06.04.2016 issued by the Medical Board is appended as Annexure P-1 stating the said condition of the child.

The petitioner's husband is stated to be working as MPHW (male) in District Bhiwani and in laws are stated to be aged. On an earlier occasion she has been deputed in District Bhiwani for 180 days, vide order dated 10.08.2020 (Annexure P-3) by respondent No.4. In such circumstances, extension in deputation is asked for or adjustment in District Bhiwani, as per representation dated 15.01.2021 (Annexure P-4). Reliance is placed upon an order passed in the case of one Sunita Devi, who was transferred against vacant post from District Nuh, Mewat to District Jind by

giving relaxation in Cadre Change Policy for District Cadre (Annexure P-9). Notice of motion.

Notice of motion.

Mr. Amit Aggarwal, DAG, Haryana, accepts notice on behalf of the respondents.

Keeping in view the fact that limited relief is sought in the representation and since the decision making is incomplete, this Court is of the considered opinion that it is not necessary to call upon the respondents for filing reply, as it would delay the proceedings.

Accordingly, the present writ petition is disposed off with the direction to the respondent No.1 to consider the representation of the petitioner dated 15.01.2021 (Annexure P-4) sympathetically within a period of four weeks from the date of receipt of the certified copy of this order. In the meantime, till the decision is taken on the representation of the petitioner, she shall be allowed to continue on deputation at District Bhiwani.

The writ petition stands disposed off with the above said directions.

(G.S. SANDHAWALIA)
JUDGE

JANUARY 25, 2021

Naveen

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No