

CWP-2515-2021
Date of decision :April 20, 2021

KULDEEP SINGH AND ORS

.....Petitioners

Versus

STATE OF HARYANA AND ORS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Reshabh Bajaj, Advocate for
Mr. Gaurav Chopra, Advocate for the petitioners.

Mr. AshishYadav, Addl. AG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for setting aside order dated 27.11.2020 passed by respondent No. 3 wherein it is directed transfer order dated 23.08.2019 issued on 15.11.2020 be given effect in April 2021, after the present academic session is over, with the result that petitioners and about 2544 primary teachers working in the State of Haryana would have to report for duty and posting at their previous place of posting. It is submitted that order dated 15.11.2020 stands implemented and acted upon.

When it was noticed that impugned order would be effective only uptill 31.03.2021, learned counsel for the petitioners refers to order dated 17.02.2021 passed in CWP-20606-2020. It is submitted that an identical issue had arisen in the said writ petition which was disposed of on a statement of learned counsel for the State that the matter had been forwarded to the Government for physical opening of the school and till a final decision is taken thereon, status quo would be maintained.

CWP-20606-2020 was disposed of on 17.02.2021 while observing as under:-

“ On 11.02.2021, the following order was passed:-

CWP-20606-2020 “Ms. Shruti Jain, DAG, Haryana, has submitted that the matter in this regard has been forwarded to the Government for the physical opening of schools. She submits that till the decision is taken the respondents will maintain status quo. List for final arguments on 17.02.2021. Counsels are requested to come prepared with their arguments.”

Learned counsel for the parties have jointly made a statement that in view of the fair stand adopted by the State Government, let this writ petition be disposed of with an observation that the order passed on 11.02.2021 will continue to operate till the Government takes a further decision.

Ordered accordingly.

Needless to observe that the petitioners will be at liberty to file a fresh petition if any adverse order is passed.”

Learned counsel for the petitioner as well as learned counsel for the State to whom advance copy of this petition has been supplied, agree that as of now, no decision has been taken for physical opening of the primary schools. Learned counsel for the State submits that as of now status quo is thus being maintained.

Keeping in view the abovesaid facts and circumstances, no further orders are called for in this petition. Needless to say that the petitioners are at liberty to file afresh/avail their remedy in the event of an adverse order being passed.

Present writ petition is, accordingly, disposed of.

April 20, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No