

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

CWP-5077-2021(O&M)

Date of decision:03.03.2021

Madan Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.P.S.Khurana, Advocate for the petitioners

Ms. Ambika Bedi, AAG, Punjab

ANIL KSHETARPAL, J.

The petitioners have filed this writ petition with the following substantive prayers:-

“(i) Issue a writ, order or direction directing the respondents to allot the place of posting after due process of selection of station choice in view of their promotion order dated 16.02.2021 and 22.02.2021 (Annexure P-3 and P-5) and further directing the respondents to complete the process of transfers of Head Teacher in District Fazilka only after the promotees to the post of Head Teacher join, in the interest of justice;

(ii) Issue a writ in the nature of Prohibition staying the process of transfers to the posts of Head Teachers in District Fazilka during the pendency of the present petition or till the completion of the process of promotion to the post of Head Teacher in view of promotion order dated 16.02.2021 and 22.02.2021 (Annexure P-3 and P-5), during the pendency of the present petition.”

The petitioners at present are working as Elementary Teachers (ETT). They claim to have been found eligible for promotion to the post of Head Teacher. It is the pleaded case of the petitioners that

against 72 vacant posts, 60 Elementary Teachers (ETT) have been ordered to be promoted.

Learned counsel for the petitioners states that as per the Punjab State Education Class-III (Primary School Cadre) Service Rules, 1997, the post of Head Teacher is a District Cadre post. The petitioners claim that they were directed to select their place/school of posting as Head Teacher, however, thereafter, no posting orders have been issued. It is contended that the State Government has now opened a portal inviting suggestions for transfer of the Head Teachers and the vacant posts may be filled up by the Head Teachers who are already working.

On the other hand, Ms. Ambika Bedi, AAG, Punjab, has pointed out that it was not possible to carry out promotions as well as posting of these teachers/petitioners simultaneously alongwith general transfers. It is for this reason that their formal orders of promotion and posting have been kept in abeyance for a short duration in order to complete the exercise of transfer.

After having heard learned counsel for the parties at some length, this Court is of the considered view that the employees cannot stake claim on a particular place of posting either on promotion or otherwise. Once it is the case of the petitioners themselves that it is a District cadre post then the next posting has to be in accordance with the rules. This writ petition has been filed only on the basis of apprehension that some particular posts may be filled up by transfer. Even if those posts are filled up, some post would correspondingly become vacant.

Therefore, the petitioners can be posted therein. Hence, at this stage, no ground to issue the writ as prayed for is made out.

Hence, dismissed.

03.03.2021

rekha

Whether speaking/reasoned

Whether Reportable

Yes /No

Yes / No

(ANIL KSHETARPAL)

JUDGE