IN THE HIGH COURT OF PUNJAB AND HARYANA ATCHANDIGARH

CWP-9224-2021 (O&M) .
Date of Decision: May 20, 2021

SUDESH ..... PETITIONER(s)

Versus

STATE OF HARYANA & OTHERS ..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sanjeev Malik, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. A.G., Haryana.

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LISA GILL, J.

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

Petitioner is a JBT Teacher, selected in pursuance to advertisement No.2/2012 and she seeks quashing action of the respondents to the extent of allocating district Kaithal instead of district Jind to the petitioner despite the petitioner giving first preference for district Jind and candidates lower in merit to the petitioner being allotted district Jind. As per the applicable criteria, petitioner it is asserted should have been allotted District Jind.

Affidavit dated 15.05.2021 of Nitin Kumar Yadav, Director General Elementary Education, Directorate of Elementary Education Haryana, Panchkula, has been filed wherein reference has been made to

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various orders passed in different writ petitions filed by similarly situated persons. Para 18 of the said affidavit dated 15.05.2021 reads as under:-

> ***"18. That 2233 teachers of second list appointed in 2017, the HSSC had not allocated districts and only sent their merits. As mentioned in Para No.10 of the present reply, joint merit list was prepared and teachers of second list stood higher in merit. In this way the teachers of second list disrupted the entire merit and they have been allocated districts randomly. Now these teachers of second list filed hundred writs in Hon'ble High Court to allocate districts to them as per their merits. On the directions of the Hon'ble High Court in these cases, Department had passed speaking orders mentioning that after implementations of the transfer order in case 2544 teachers appointed before 2011, the process will be started of the teachers appointed in 2017 and onwards. Now department issued order on 30.04.2021 to fill up options of the Districts by all teachers appointed in 2017 and onwards including the petitioner. To end the disputes of junior and senior the department has directed to about all 8500 teachers appointed in 2017 and onwards including the petitioner to participate in the reallocation of districts mandatory. Teachers of Higher merit will get their districts as per their merits. If, Department do not issue directions to participate mandatory, then teachers of higher merit will again file cases to claim the districts, where their juniors are sitting"***

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Learned counsel for the State submits that case of the petitioner shall also be considered along with the other teachers appointed in the year 2017 as per her merit and as per option/preference given by the petitioner in the first week of May, 2021 pursuant to order dated 30.04.2021. It is not denied that petitioner has given her first preference for district Jind in 2017 as well as in May 2021. Order dated 07.05.2021 in CWP-9530-2021 has also been pointed out wherein a co-ordinate Bench has directed that the options for district cadres submitted by JBT Teachers across the board would be considered by the competent authority/Department strictly in accordance with the merit list maintained by the Department. Learned counsel for the State reiterates that petitioner's case shall be considered accordingly as stated above

Keeping in view the specific stand of the Department, no further orders are called for at this stage.

Writ petition is disposed of accordingly.

20.05.2021 **(LISA GILL)**
Sunil **JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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