

CWP-9414-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-9414-2021****Date of Decision: 04.05.2021**

Satpal

...Petitioner

Versus

The State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Manoj Makkar, Advocate, for the petitioner.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

The petitioner assails order dated 27.04.2021(Annexure P-10) vide which the petitioner, upon his promotion as a Head Master, has been ordered to be transferred from Government Senior Secondary School, Banwasa (Sonipat) to Government Girls Middle School, Manethi (Rewari), as mentioned at Sr. No.256 of the transfer order.

The learned counsel for the petitioner submits that the petitioner apart from being Mathematics Teacher is an Associate NCC Officer (ANO) and that as per letter dated 04.04.2019 (Annexure P-5) issued by the Ministry of Defence, it has been directed that all State Education Departments would ensure that ANOs are posted in an institute, which has NCC Programme and that all such ANOs would be transferred only after interaction and concurrence of DDG/ADG State.

The learned counsel has further submitted that even as per the amended Transfer Policy dated 05.06.2019 (Annexure P-7), the ANOs are not to be transferred if they are not willing to participate in

transfer drive. The learned counsel in this regard has referred to Clause 9(ii) of the said Transfer Policy, which reads as follows:

“9. Procedure to be adopted:

xx xx

- (ii) To ensure uninterrupted National Cadet Corps (NCC) program in the schools having NCC units, Associate NCC Officers (ANO) shall not be transferred if they are not willing to participate in transfer drive. If any ANO teacher participates in the online transfer drive, then he will be treated by the system as a non ANO (general) teacher.”

It has been submitted that although the petitioner submitted a representation dated 28.04.2021 (Annexure P-12) to the Director, Elementary Education, Haryana, but no action has been taken thereupon.

Notice of motion.

Mr. G.S.Chhina, AAG, Haryana, accepts notice on behalf of the respondents.

Having heard the learned counsel for the petitioner and also having perused the Transfer Policy, the petition is disposed of with a direction to respondent No.2 – the Director General, Elementary Education, Haryana, to look into the matter and to dispose of the representation dated 28.04.2021 (Annexure P-12) expeditiously preferably within a period of 3 days from today while taking into account the provisions of the Transfer Policy (Annexure P-7) particularly Clause 9(ii) of the said Policy. Since the underlying purpose of the said Clause is that the services of ANOs should be fully utilized, needless to mention it shall be ensured that the petitioner is posted only at such place where there is NCC programme unless it is a case that in the State of Haryana,

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the number of ANOs is more than the number of schools, which have NCC Programme and no such school having NCC programme is without ANO.

A copy of this order along with copy of representation dated 28.04.2021 (Annexure P-12) be sent immediately to respondent No.2 for necessary compliance.

The learned counsel for the petitioner shall send a soft copy of the complete petition including the representation (Annexure P-12) today itself to the learned State counsel, who shall convey the same to respondent No.2 today itself.

The Reader of this Court is also directed to convey a copy of this order to the learned State counsel so that the same may be conveyed to respondent No.2 today itself.

04.05.2021

VY/Vimal

(GURVINDER SINGH GILL)
JUDGE

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