

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

108

**Civil Writ Petition No.9538 of 2021
Date of Decision: June 28, 2021**

Mukesh Kumar

.....Petitioner.

VERSUS

State of Haryana and others

.....Respondent.

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

Present: Mr. Mohammad Arshad, Advocate
for the petitioner.

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

G.S. SANDHAWALIA, J.

The petitioner challenges the order dated 07.03.2021 (Annexure P-5), whereby he has been transferred to the Govt. Model Sanskriti Sr. Sec. School, Nuh, District Nuh-Mewat, by filing present civil writ petition under Article 226/227 of the Constitution of India, on the ground that the same is contrary to the guidelines and transfer policy (Annexures P-6 and P-9).

Learned counsel for the petitioner has submitted that clause 3 of the Guidelines (Annexure P-6) has been violated as teachers shall be preferred whose board class results (10th and 12th classes) of last 3 years are not in minus as compared to board results. It is, thus, his contention that respondent No.4, who has been posted in his place at Tauru was wrongly

done. It is his case that he has filed representation dated 10.03.2021 (Annexure P-10) to that extent.

Notice of motion.

Ms. Kirti Singh, D.A.G. Haryana, accepts notice on behalf of respondents No.1 to 3.

It is settled proposition that generally this Court does not readily interfere in the transfers/posting matters. However, the case of the petitioner is that the guidelines and transfer policy have been violated, as such, direction be given to respondents to decide his representation (Annexure P-10), which he has preferred to respondent No.3.

Accordingly, the writ petition is disposed off with direction to respondents to decide the same within a period of two months from the receipt of certified copy of this order.

In case, any adverse order is to be passed against either the petitioner or private respondent No.4, opportunity of hearing should be given to both of them.

June 28, 2021

Sachin M.

(G. S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*