

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

**106**

**CWP-9577-2021**

Date of Decision : May 10, 2021

**SANDEEP KAUR**

.....Petitioner

***VERSUS***

**STATE OF PUNJAB AND OTHERS**

.....Respondents

**CORAM: HON'BLE MR. JASGURPREET SINGH PURI**

Present : Mr. Vivek Sharma, Advocate  
for the petitioner.

**Through Video Conferencing**

**JASGURPREET SINGH PURI. J. (Oral)**

The present petition has been filed under Articles 226/227 of the Constitution of India with a prayer for issuance of a writ in the nature of Certiorari for quashing of the order dated 30.04.2021 (Annexure P-2) vide which the transfer order of the petitioner dated 29.04.2021 (Annexure P-1) has been cancelled.

The learned counsel for the petitioner has submitted that the petitioner is working as Principal at GSSS (Boys) Talwandi Bhai for the last three years and vide Annexure P-1, dated 29.04.2021 she was transferred to GSSS, Machaki Mal Singh, District Faridkot. However, on the next day i.e. 30.04.2021, her transfer was cancelled and respondent No.3 was transferred to the aforesaid post. He has submitted that the petitioner had got relieved from Talwandi Bhai and had submitted her joining report at Faridkot. He further submitted that respondent No.3 is scheduled to retire in two years' time and, therefore, he should not have

been transferred and the transfer of the petitioner should not have been cancelled.

Mr. Pankaj Gupta, Addl. A.G. Punjab, has caused appearance on the basis of an advance copy of the petition supplied to him. He has submitted that he has sought instructions from the Department to state that the petitioner although relieved on 29.04.2021 from Talwandi Bhai, Ferozepur did not join at Faridkot. He has submitted that within one day her transfer orders were cancelled and therefore, no prejudice has been caused to the petitioner. He has further submitted that the cancellation of the orders was based upon administrative exigencies and the cancellation has been made only after one day. He has further submitted that transfer is an incidence of service and, therefore, the petitioner has got no right to challenge the cancellation which came into effect only after one day. He has further submitted on instructions that the petitioner has now joined at Talbandi Bhai, Ferozepur.

I have heard the learned counsel for the parties.

The petitioner was transferred vide Annexure P-1 on 29.04.2021 but on the very next day, the transfer was cancelled vide Annexure P-2 on 30.04.2021. As per the statement made by the learned State counsel the petitioner never joined at Faridkot and she has now put her joining at Ferozepur. It is a settled law that the transfer is an incidence of service and this Court would interfere in exercise of extraordinary powers under Article 226 of the Constitution of India only where on the face of it some malafide can be shown or the exercise of power is so arbitrary that on the face of it some interference is required.

However, in the present case, the petitioner has not been able to show either any malafide or any arbitrariness particularly in view of the fact that her order of cancellation was made immediately on the next day and, therefore, no prejudice would have been caused to the petitioner. Had it been a case that the petitioner had shifted to the new place of posting and had changed her position to her disadvantage then the Court would have considered this aspect but here it is a case where on the very next date her transfer order has been cancelled and, therefore, no interference can be called in the present case. So far as the allegations of malafide are concerned, a perusal of the writ petition would show that such allegations are totally vague and, therefore, the arguments raised by the learned counsel for the petitioner with regard to malafide cannot be sustained.

In view of the above, no ground is made out for interference in the present case in exercise of extraordinary powers under Article 226 of the Constitution of India.

Consequently, the present petition is hereby dismissed.

However, there shall be no order as to costs.

**May 10, 2021**  
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**(JASGURPREET SINGH PURI)**  
**JUDGE**

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes/No |
| Whether Reportable.        | : | Yes/No |