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

CWP No. 10328 of 2021

Date of Decision: 27.05.2021

Arun Kumar

.....Petitioner

Vs

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vikram Sheoran, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through
video conferencing.

Petitioner has preferred this petition for issuance of a
writ in the nature of certiorari for quashing the order dated
20.04.2021 vide which the respondents have implemented the
transfer order dated 23.08.2019.

Learned counsel for the petitioner submits that the
petitioner was selected as JBT teacher in General category and
since then, he is working as JBT teacher on regular basis.

Seniority of the JBT teachers is maintained at District level. Respondent-State framed a policy known as Cadre Change Policy and started MIS portal for inter district transfer. Respondent-department has opened MIS portal and the petitioner gave his preference by giving preferences of five districts in chronological order i.e. 1. Bhiwani 2. Mahendergarh 3. Jhajjar 4. Gurugram 5. Rewari. Petitioner was unsuccessful in getting his Home District Bhiwani and he was allotted his 5th preference i.e. Rewari, whereas his 4th preference was given to respondent No.5 (wrongly) as respondent No.5 belongs to BCA category and he was transferred to Gurugram by presuming him to be under general category. Respondent No.5 himself represented to the Principal, Government Primary School, Saprola on 23.04.2021, highlighting that he has been wrongly considered under general category, whereas he belongs to BCA category. He requested for cancellation of his inter district transfer on that account. After filing representation dated 23.04.2021, respondent No.5 ventured to file CWP No.9320 of

2021 which was disposed of with a direction to the respondent to look into the grievance of respondent No.5 in view of his representation dated 23.04.2021 and decide the same in accordance with law within a period of two weeks from 30.04.2021.

Petitioner has also represented before the Director Elementary Education, Haryana, Panchkula for his grievance. Petitioner has also demonstrated that his entitlement is of 4th preference in place of respondent No.5 and in alternative, his case may also be considered for transfer in Home District in view of vacancy position shown in the letter dated 30.04.2021. Representation filed by the petitioner on 23.04.2021 has not been adverted to by respondent No.2 so far.

Notice of motion.

On the asking of the Court, Mr. Anant Kataria, D.A.G., Haryana accepts notice on behalf of respondents No.1 to 4.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon any response from

the respondents as no order prejudicial to interest of any party is being passed.

This writ petition is disposed of with a direction to respondent No.2 to consider the prayer of the petitioner arising out of representation dated 23.04.2021 and pass appropriate order in accordance with law, preferably within a period of two weeks from the date of receipt of certified copy of this order. Petitioner would also be entitled to supplement his representation by way of additional grounds as well.

(RAJ MOHAN SINGH)
JUDGE

27.05.2021
Jyoti Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No