

208 IN THE PUNJAB AND HARYANA HIGH COURT
CHANDIGARH

CWP-12533-2020
Decided on: 05.02.2021.

VIRENDER SINGH

....Petitioner

VS

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sandeep Kumar Goyat, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

(the aforesaid presence is being recorded through video conferencing since
the proceedings are being conducted in virtual court on account of
restrictions due to COVID-19)

GIRISH AGNIHOTRI J. (Oral)

Petitioner Virender Singh, stated to be aged 32 years, has filed the present petition inter alia with the prayer for issuance of a writ, order of direction in the nature of certiorari for quashing the impugned transfer order dated 14.08.2020 (Annexure P-5), vide which the respondent department has transferred the petitioner, who is 50% physical handicapped, to District Education Office, Panchkula, Barwala, District Panchkula, against the principle/spirit of letter/office memorandum dated 13.03.2002 (Annexure P-8), policy 06.10.2004 (Annexure P-10), policy 23.12.2008 (Annexure P-11) and office memorandum 31.03.2014 (Annexure P-9).

Learned counsel for the petitioner submits that the petitioner is 50% physical handicapped. He accordingly applied/requested the authorities

to consider his case on the basis of online transfer policy dated 06.03.2020 (Annexure P-2). However, when the petitioner was not accommodated at the applied place of his choice, he has filed the present writ petition.

Record of the case shows that notice of motion was issued on 24.08.2020.

In response thereto, reply has been filed on behalf of respondents No. 1 and 2. Learned State counsel refers to document (Annexure R-1) to show that the case of the petitioner was duly considered and as per policy, he was awarded 10 marks out of 20 on account of his physical disability, under the head 'differently-abled person'. She however submits that on account of other criteria, the petitioner secured 42.1205 marks as against another employee namely Rajesh Kumar who secured 46.0027 out of 80 points under the online transfer policy.

This court further notices the fact that the last online transfer policy was issued on 06.03.2020. It is likely that the fresh policy would be issued by the department for the coming year. In the peculiar facts and circumstances as noticed above the present writ petition is disposed of with the following directions:-

1. The petitioner is liberty to file a fresh representation within 10 days from today and may also attach all relevant documents including the petitioner's transfer preference report earlier submitted on 09.08.2020.
2. The authority concerned may examine the representation of the petitioner and in case there is some vacant post in one of the schools where the petitioner had given preference, considering the petitioner's disability as 50%

his case be sympathetically considered as expeditiously as possible preferably within a period of one month from the date of receipt of the representation.

- 3. The petitioner is also at liberty to apply for his transfer preference report in case fresh policy is issued by department in the meantime.

Disposed of.

(GIRISH AGNIHOTRI)
JUDGE

05.02.2021
monika*

Whether Speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No