

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No.14411 of 2021

Date of Decision: October 28 , 2021.

Ramniwas and others

..... PETITIONERS

Versus

State of Haryana and others

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. MD Khan, Advocate
for the petitioners.

Mr. Harish Nain, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

Petitioners, who are posted as Hindi teachers at various schools in Districts Palwal, Nuh and Sirsa as detailed in the writ petition, are aggrieved of their transfers within their respective districts and seek inter-district transfers.

Petitioners were admittedly appointed as Hindi Teachers, Classical and Vernacular (C&V) which is admittedly a District Cadre. They claim parity with Trained Graduate Teachers (TGTs) and Post-Graduate Teachers (PGTs) and seek transfers under the Teachers Transfer Policy-2016 of School Education Department, Haryana (Annexure P1). It is claimed that the present petitioners are also entitled to be posted anywhere in the State and within any District,

especially in terms of Clause 11 (ii) of the said policy. Learned counsel for the petitioners has referred to certain instances where teachers of the District Cadre have been transferred and posted in other districts. It is thus prayed that this petition be allowed.

Learned counsel for the State while refuting the arguments raised by learned counsel for the petitioners, submits that this writ petition deserves to be dismissed. All allegations of discrimination are vehemently denied. It is submitted that in case the teachers belonging to the District Cadre are posted out of the district, they would lose seniority as is apparent from order dated 25.11.2016 (Annexure P2). In case the present petitioners also seek inter-district transfer, it is open for them to apply for the same with an undertaking that they would not claim seniority in the district and in terms of the applicable policy.

Heard learned counsel for the parties.

It is an admitted position that the petitioners were appointed as Hindi Teachers (C&V) and they belong to the District Cadre. Therefore, there can not be any parity with the Trained Graduate Teachers (TGTs) and Post-Graduate Teachers (PGTs), who are members of the State Cadre.

At this stage, learned counsel for the petitioners submits that the petitioners shall not lay any claim to their seniority in the district and would have no objection in case a rider is added on their transfer that they would lose seniority on such inter-district transfers. It is stated that petitioners would submit an undertaking to this effect.

Keeping in view the facts and circumstances as above, but without expressing any opinion on the merits of the case, this writ petition is disposed of

with a direction to the respondents that in case such a representation alongwith requisite undertaking is submitted by the petitioners within 15 days from receipt of certified copy of this order, the same be considered by the competent authority, especially keeping in view the stand taken by the official respondents before this Court and order dated 25.11.2016 (Annexure P2) referred to by learned counsel for the State. Necessary decision be taken thereon by passing a speaking order within four weeks thereafter.

October 28 , 2021.
'om'

(LISA GILL)
JUDGE

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