

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 14967 of 2021 (O&M)

Date of Decision:26.10.2021

Wazir Singh and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioners.

Mr. Randhir Singh, Addl.AG., Haryana.

LISA GILL, J(Oral).

Prayer in this writ petition is for quashing of order dated 25.06.2021, Annexure P-3, passed by the Director Secondary Education, Haryana, Shiksha Sadan, Sector-5, Panchkula, whereby respondents seek to transfer the petitioners within the District Fatehabad, whereas petitioners, who were appointed as Sanskrit Teacher, [Classical & Vernacular (C&V) Cadre], seek inter-district transfer within the State of Haryana.

Service of the petitioners was earlier governed by the Haryana State Education School Cadre (Group-C) Service Rules, 1998 and thereafter by the Haryana School Cadre (Group-C) State Cadre Service Rules, 2012.

Learned counsel for the petitioners has tried to draw a parrallel with the JBT (Junior Basic Teachers) cadre to submit that transfer of the petitioners should be permitted throughout the State rather than keeping it confined within the District of Fatehabad. Such a step, it is submitted, would lead to better development and better opportunities for the petitioners.

Petitioners have challenged order dated 25.06.2021 i.e., the schedule of the transfer policy, seeking transfer of the petitioners and similarly situated employees within the District of Fatehabad.

Heard learned counsel for the petitioners at length and have gone through the file as well as the relevant rules with his able assistance.

Learned counsel for the petitioner is unable to deny that the petitioners belong to District Cadre. Petitioners joined as Sanskrit teachers at District Fatehabad. Their seniority is admittedly maintained within the said District itself.

Learned counsel for the respondent-State, to whom an advance copy of the writ petition has been supplied, points out that JBT/PRTS, is also a District Cadre and inter-district transfer of members of this Cadre entails loss of seniority of the said employees on such transfer.

Admittedly, there is no specific policy which governs inter-district transfer of the petitioners belonging to the District Cadre. It is to be noted that pursuant to coming into force of the Haryana School Cadre (Group-C) State Cadre Service Rules, 2012, it was decided not to further recruit Classical and Vernacular (C&V) teachers. It is specifically provided in Rule 9(5) of the said rules that the present Classical and Vernacular (C&V) cadre, consisting of the post of Sanskrit, Hindi, Punjabi Teachers, Physical Training Instructors, Art and Craft teachers, Tailoring Teachers and Tabla Players, governed by the Haryana State Education School Cadre (Group-C) Service Rules, 1998, shall be converted to TGT in relevant subject and no further recruitment shall be made to these categories when the present incumbent vacates the post on his promotion/retirement or any other purpose.

Learned counsel for the petitioners is unable to point out any

provision or rule which would call for a mandate or direction to the respondents to carry out inter district transfer of the petitioners, admittedly belonging to a district cadre post. The same is entirely the prerogative of the respondents keeping in view the exigencies and requirements. Moreover, there is nothing to indicate that petitioners are willing to forego seniority on such transfer, if at all.

No other argument has been raised.

Writ petition is accordingly dismissed with no order as to cost.

26.10.2021

s.khan

**[LISA GILL]
Judge**

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