

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

210

**CWP-15072-2021
Decided on : 11.08.2021**

Rajesh Kumar Saroha

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Petitioner Rajesh Kumar Saroha in person.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Article 226 of the Constitution of India the petitioner seeks permission to participate in the online General Transfer Drive.

The same has been denied on account of the pendency of **CWP-28874-2019**, in which stay was granted on 03.10.2019, whereby transfer/relieving orders of the 36 petitioners were stayed, primarily on the ground that they were transferred outside their cadre to Mewat.

The petitioner has submitted that now he wishes to participate in the Teachers Transfer Drive, which is now taking place as per Teachers Transfer Policy, 2016 as amended on 05.06.2017 (Annexure P-1). He further submitted that as per the amendment dated 28.06.2021 any teacher willing to participate in transfer drive can participate, if he/she desires so, irrespective of his/her stay in current zone/school.

In similar circumstances, in **CWP-25508-2019 'Puran Singh
Vs. State of Haryana and others'** alongwith two connected cases decided

on 06.08.2021, this Court has passed the following order:-

“The petitioners in the present writ petitions filed under Articles 226/227 of the Constitution of India seek quashing of the transfer orders dated 06.09.2019 and 22.08.2019. Vide the said transfers orders, the petitioners have been transferred to District Nuh and, therefore, the transfers are challenged on the ground that they have been transferred outside of their parent cadre.

The respondents have chosen not to file reply in the present writ petitions, though transfer orders were stayed on 11.09.2019 and 17.09.2019.

Now, the applications have been filed seeking directions to the respondent/department to allow the petitioners to participate in the online general transfer drive 2021 issued vide Annexure P-10. It is the case of the petitioners that there are general instructions as such that the employees who have got stay orders as such have not been allowed to participate in the transfer drive.

Accordingly, this Court is of the opinion that interim order shall not stand in the way of the petitioners and the petitioners will be allowed to participate in the transfer drive, which is taking place and will give their options within a period of 5 days. The respondents shall ensure that the portal is opened for the petitioners to exercise their options for transfer.

The stay orders dated 11.09.2019 and 17.09.2019 shall remain in force till the date the petitioners do not receive their transfer orders on the completion of the transfer drive.

The writ petitions are, accordingly, disposed of in the abovesaid terms.”

Accordingly, the present writ petitions is also disposed of in the same terms that the respondents shall consider the case of the petitioner in the transfer drive, which is on going and will permit him to give option within a period of three days. The respondents shall ensure

that the portal is opened for the petitioner to exercise his option for transfer.

Accordingly, CWP-28874-2019 qua petitioner-Rajesh Kumar Saroha will stand dismissed as withdrawn and his post at Government Senior Secondary School Passina Khurd (2039), Block Bapauli, District Panipat will be shown as 'Voluntary Deemed Vacancy' as per the teachers transfer policy, so that other candidates can give their options. However, the petitioner shall not be relieved from the said station till the completion of the transfer drive.

Copy of this order be placed on the file of CWP-28874-2019.

CWP-15072-2021 is, accordingly, disposed of, in the above terms.

August 11, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No