

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

CWP No. 18798 of 2020 (O & M)

Date of decision: 03.09.2021

204

Anita Rani Arora

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. P.L. Verma, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

(Proceedings are conducted through video
conferencing as per instructions).

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed under Articles 226 and 227 of the Constitution of India praying for issuance of writ in the nature of certiorari for quashing impugned order dated 29.09.2020 (Annexure P-6) whereby, the petitioner's request to make necessary corrections in the service profile regarding zoning of Government Senior Secondary School, Darbaripur and Government Senior Secondary School, Kartarpuri having been shown in Zone 2 instead of Zone 1 has been rejected. The same is based on the claim as per the earlier zoning list dated 08.06.2016 (Annexure P-2). Vide the impugned order dated 29.09.2020, the Director, Secondary Education has noticed that the petitioner has been working as Principal in Government Senior Secondary School, Pataudi since 08.09.2017 and has served in the various zones mainly around Gurugram which are depicted as

under:-

<i>Sr. No.</i>	<i>Zone</i>	<i>Tenure</i>
1	Zone 1	18 years 5 months 29 days
2	Zone 2	5 years 4 months 11 days
3	Zone 3	5 years 0 months 3 days
4	Zone 4	Not served yet
5	Zone 5	Not served yet
6	Zone 6	Not served yet
7	Zone 7	Not served yet

It has further been observed that the petitioner has already served for more than 5 years in Zone 1 prior to the notification dated 23.06.2017. Clause 4(iv) was relied upon that the boundaries of the zone can be redefined by specific orders passed by the competent authority once in a year before the transfer drive is initiated. It was found that the two schools in which the petitioner had served from 2012 to 2017 were now shifted to Zone 2. The petitioner had got her profile approved after the revised notification dated 23.06.2017 (Annexure P-7) once the schools had been shifted to Zone 2 and, therefore, her services were being counted in Zone 2. Thus, it is apparent that her service for 5 years 4 months and 11 days were in Zone 2, as per the table reproduced above. It is also noticed that if the petitioner got her profile approved prior to the notification, the service now rendered in Zone 2 would not have been reflected.

In the reply filed by the State, it has been submitted that the officer can serve for a maximum of 5 years in a specific zone and the petitioner has not served in Zones 4 to 7. It is further submitted that the policy decision was taken for change of zones of schools and the impact of transformation of zones is applicable to all officials/officers including the petitioner across the State. It is submitted that as per the Teachers' Transfer Policy, 2016, the order has been passed.

A perusal of the subsequent notification dated 23.06.2017 would go on to show that it was noticed that there was some misbalancing in the classification and some schools were shifted to other zones. It is in such circumstances, the schools in which the petitioner having served earlier i.e., Darbaripur and Kartarpuri have now been shifted to Zone 2. The relevant portion of the said notification reads thus:-

“During implementation of transfer policy in the year 2016-17, it was noticed that some zones in some districts were given insignificant number of schools to the extent of making such zones nearly non-existent zones. A case in point is that of Gurugram zone no.2 where only two schools were included in. This imbalanced classification limited the teachers' choice in some zones unreasonably.

As such scenario gives rise to operational difficulties, so this year the department again invited suggestions from the stakeholders on the need of redefining of these zones across all the districts of the state including the new district of Charkhi Dadri.

After consideration of the suggestions the zones have been redefined where need be, in term of note 4 of para 4 of the Teachers' Transfer Policy, 2016 issued vide No. 1/71-2015-eGov dated 05.06.2017, as follows. The benefits under the revised zoning will be available prospectively.”

Admittedly, the petitioner has filled up her profile on 03.06.2019 (Annexure P-2) after the new notification and, therefore, the data has been filled up as per the prevalent zoning which has been done. The said alleged disadvantage which has occurred to her is not personal in any manner and would apply to all employees across the Board. It is not

only that her schools have, as such, been revised. A perusal of the notification would go on to show that for example in Ambala, out of 774 schools, 4 schools have been revised and put in different zones. Similarly, for other districts also, the necessary exercise has been done. The same is not peculiar for the petitioner in any manner and if she is affected by policy decision, it would not be a case where the extra ordinary writ jurisdiction can be exercised. It is settled principle that the transfer is exigency of service and the question of raising a challenge to it would only arise if there is any *mala fide* or any statutory violation. In the absence of the same, this Court does not find it a fit case to set aside the impugned order dated 29.09.2020 (Annexure P-6), which is based on the prevalent policies of the State.

Accordingly, the writ petition is dismissed.

03.09.2021
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No