

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

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**Civil Writ Petition No.24731 of 2019 (O&M)
Date of Decision: August 24, 2021**

Rajender Kumar and others

.....Petitioners.

VERSUS

State of Haryana and another

.....Respondents.

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

Present: Mr. Anil Kumar Sharma, Advocate
for the petitioners.

Mr. Aman Bahri, Addl. A.G. Haryana
for the respondents.

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

G.S. SANDHAWALIA, J.(Oral)

By filing the present civil writ petition under Articles 226/227 of the Constitution of India, the petitioners seek quashing of the impugned letters dated 25.08.2019 (Annexure P-4) and 27.08.2019 (Annexure P-5), which are stated to be in violation of the Right of Children to Free and Compulsory Education Act, 2009. Prayer is also made to set aside clause 8 (i)(a) of Transfer Policy dated 05.06.2017 (Annexure P-3) and to issue a writ in the nature of mandamus, directing the respondents to adopt Pupil Teacher Ratio (PTR) of 1:35 as per the Right of Children to Free and Compulsory Education Act, 2009.

It is to be noticed that the operation of Annexure P-6 was

stayed on 05.09.2019 and almost a period of two years has gone. Keeping in view the settled principles regarding transfer proceedings, the tenure of the said litigation has run out in the opinion of this Court. There is no mala fides as alleged regarding the action of the respondent and the stand of the respondents is also to be noticed to which no replication has been filed.

In reply, it has been stated that the petitioners have not been transferred under the impugned order and they have been allocated postings at their opted schools on account of rationalization of school posts of C&V. Allocation criteria was done and reliance is also placed upon the provisions of the Act to submit that one teacher is there for 35 students from classes 6th to 8th. Thus, it has been submitted that 31 petitioners, who are teachers of Sanskrit belong to Kurukshetra, Kaithal, Karnal, Sonipat, Ambala and Yamuna Nagar have been transferred vide order dated 06.09.2019.

Mr. Bahri has accordingly contended that on account of the interim orders, the department is facing growing difficulties regarding the running of the schools smoothly.

In such circumstances, this court is of the opinion that the petitioners themselves have participated in the transfer drive for adjustment and they have no such legal enforceable right on how and where they are to be posted. The grouse, as such, against the general transfer, which has taken place on account of rationalization, cannot be objected to. The transfers had taken place as per the Schedule, which has been fixed on 25.08.2019 and was as per the policy prevalent at that point of time and therefore, interference by this Court, as such, has directly impacted imparting of education to the children.

Resultantly, there is no merit in this petition and the same is dismissed.

Interim order dated 05.09.2019 stands vacated.

(G. S. SANDHAWALIA)
JUDGE

August 24, 2021

Sachin M.

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*