

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

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**CWP-28284-2019 & CWP-15042-2021
Decided on : 11.08.2021**

Preeti

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Petitioner Preeti in person.

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

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of two writ petitions i.e.

CWP-28284-2019 & CWP-15042-2021 filed by the same petitioner.

In CWP-28284-2019, the petitioner was aggrieved against the transfer orders dated 22.08.2019 (Annexure P-7) and 13.09.2019 (Annexure P-12) and her relieving order dated 14.09.2019 (Annexure P-13), on account of the same being against the guidelines of Transfer Policy 2017.

Vide order dated 22.08.2019 (Annexure P-7), the petitioner who was working as PGT Lecturer (Commerce) was firstly transferred from Government Senior Secondary School, Kurar (2122), Block Bapauli, District Panipat to Government Senior Secondary School, Laharpur (224), Block Sadhaura, District Yamunanagar. Thereafter, she was transferred on 13.09.2019 (Annexure P-12) to Government Senior Secondary School, Akera (802), Block Nuh, District Nuh Mewat.

Order dated 13.09.2019 (Annexure P-12) and the subsequent

relieving order dated 14.09.2019 (Annexure P-13) were stayed by this Court on 30.09.2019.

During the pendency of the litigation, the present transfer drive has been initiated as per Teachers Transfer Policy 2016 (as amended on 05.06.2017). It is not disputed that as per Clause 9 (x) of 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. The petitioner's grouse in the second petition i.e. CWP-15042-2021 is that she be permitted to take part in the said on going general transfer drive and the respondents are not letting her do so because of the earlier litigation.

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 are 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 her to give option within a period of three days. The respondents shall ensure that the portal is opened for the petitioner to exercise her option for transfer.

The stay order dated 30.09.2019 which is operating in favour of the petitioner shall continue and she will continue to remain at Government Senior Secondary School, Laharpur (224), Block Sadhaura, District Yamunanagar, till the date when she gets her transfer orders on the completion of the transfer drive.

However, it is clarified that the portal shall also show the said post as 'Voluntary Deemed Vacancy' for other eligible persons to exercise their options. Similarly, the post at Government Senior Secondary School, Akera (802), Block Nuh, District Nuh Mewat shall

also be treated as 'Voluntary Deemed Vacancy' as per the transfer policy.

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

August 11, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No