

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

Sr. No.299+298+138

Date of Decision: 25.08.2022

1) CWP No.18577 of 2022

Pradeep Kumar Yadav and others

.... Petitioners

Versus

State of Haryana and another

... Respondents

2) CWP No.18562 of 2022

Kuldeep Singh and others

.... Petitioners

Versus

State of Haryana and another

... Respondents

3) CWP No.18829 of 2022

Mahesh Kumar Verma and others

.... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anurag Goyal, Advocate for the petitioners
in CWP No.18577 of 2022.

Mr. Sajjan Singh, Advocate for the petitioners
in CWP Nos.18562 and 18829 of 2022.

Mr. B.R.Mahajan, Advocate General, Haryana assisted by
Mr. Harish Nain, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

By this common order, three writ petitions, the details of which
have been mentioned in the heading, are being disposed of as all of them

Learned counsel for the petitioners submits that the rationalization policy which has been issued by the respondent is going to create a situation where ineligible teachers will be teaching the students, who are not eligible for appointment in a particular subject keeping in view the rules governing their service at the time of their appointment. Learned counsel submits that as per the rationalization policy, a Social Studies Teacher will be teaching English, which is impermissible. Learned counsel for the petitioners further submits that as per the rationalization policy, even the petitioners, who have been selected as TGT English, could be asked to teach Social Studies or any other subject which will be contrary to the rules governing the service and will also not be in the interest of the students as well.

Learned Advocate General, Haryana on instructions from the department submits that only the eligible employees, who were eligible to teach a particular subject at the time of their recruitment and are teaching the said subject even as of now, will only be made to teach the subject even after effecting the transfers and no one, who is ineligible at the time of their recruitment to teach a particular subject, will not be asked to teach the said subject under the pretext of the transfer.

Learned Advocate General as per the instructions of the department, further submits that all the posts against which the Guest Lecturers are working, the same are to be treated as a vacant post as per the transfer policy and the contention of the petitioners that any post where Guest Lecturer is working is not open for them for transfer, is only an

Learned counsel for the petitioners submits that despite the statement of learned Advocate General, it could be a situation where an employee will be asked to teach a subject for which he/she is not qualified keeping in view the qualification obtained by the said employee at the time of his/her recruitment.

Learned Advocate General, Haryana submits that after the transfers are effected, if any of the teacher is aggrieved and points out a fact that the transfer has caused a teacher a particular prejudice contrary to the transfer policy or the undertaking recorded hereinbefore, the teacher concerned will be free to approach the respondent department by raising appropriate objection by way of representation and in case, any such representation is filed, the department will be bound to decide the same within a period of two weeks from the receipt of any such representation by passing appropriate speaking order and in case any merit is found in the objection, the grievance of the teacher concerned will be redressed forthwith.

It is further made clear that even after the decision of the department, still in case any teacher is still not satisfied, he/she will be free to avail appropriate remedy available to him/her.

Keeping in view the above, all the aforementioned three writ petitions are disposed of with the direction to the respondents that the grievances, some of which have been brought to the notice of this Court as recorded hereinbefore, be looked into by the respondents while effecting the transfers and this Court requests the respondents to ensure that the transfers

that they do not feel that they have been transferred contrary to the rules or the transfer policy. Respondent department will also be bound by the undertaking of the department recorded hereinbefore.

A photocopy of this order be placed on the connected files.

(HARSIMRAN SINGH SETHI)
JUDGE

25.08.2022
Maninder

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