

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(147)

CWP-21125-2022

Date of Decision : September 15, 2022

Surekha Jakhar

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vineet Kumar Jakhar, Advocate, for the petitioner.

HARSIMRAN SINGH SETHI J. (ORAL)

Learned counsel for the petitioner submits that in the present case, the petitioner, who is suffering from a chronic disease and by the transfer order dated 11.09.2022 (Annexure P-4), has been transferred from Government Girls Senior Secondary School, Mokhra, Rohtak to Government Middle School Naya Bans, Sonipat which is more than 80 kms apart. Learned counsel for the petitioner further submits that nearby stations are already vacant where the petitioner can be easily accommodated and therefore, the respondents are under an obligation to reconsider the transfer of the petitioner and post her at a nearby Station. Learned counsel for the petitioner further submits that keeping in view the judgment of the Hon'ble Supreme Court of India in *Civil Appeal No.1243 of 2022 titled as SK Nausad Rahaman and others vs. Union of India and others, decided*

on 10.03.2022, the family circumstances as well as the disability which exist in the family needs to be given due importance while effecting the transfer.

Notice of motion.

Mr. Harish Nain, Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents submits that in case the petitioner files any representation upto Monday i.e. 19.09.2022, the same will be considered with sympathy and in case, it is found feasible to post the petitioner at a nearby station of her present place of posting, the same will be done and till the representation is decided, the petitioner will be continued at the present place of posting in case not already relieved and in case relieved, she will not be forced to join on the new place of posting.

Learned counsel for the petitioner submits that keeping in view the statement of the learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

September 15, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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