

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(140)

CWP-21108-2022

Date of Decision : September 15, 2022

Samita

.. 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, whose family circumstances are such that her both children are disabled to tune of 75/100% and by the transfer order dated 11.09.2022 (Annexure P-4), the petitioner has been transferred from Government Girls Middle School, Shahpura Sirsa to Government Senior Secondary School Baliala, Fatehabad which is more than 40 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
Whether reportable : No