

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

**Date of Decision: 16.09.2022**

**1) Sr. No.115 CWP-21171-2022**

Sunil Kumar .... Petitioner  
Versus  
State of Haryana and others ... Respondents

**2) Sr. No.119 CWP-21211-2022**

Sunita Malik .... Petitioner  
Versus  
State of Haryana and others ... Respondents

**3) Sr. No.125 CWP-21239-2022**

Sumitra Devi .... Petitioner  
Versus  
State of Haryana and others ... Respondents

**4) Sr. No.127 CWP-21260-2022**

Suresh Kumar .... Petitioner  
Versus  
State of Haryana and others ... Respondents

**5) Sr. No.130 CWP-21288-2022**

Shashi Bala .... Petitioner  
Versus  
State of Haryana and another ... Respondents

**6) Sr. No.131 CWP-21290-2022**

Ish Kumari .... Petitioner  
Versus  
State of Haryana and another ... Respondents

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| <b>CWP-21171-2022 along with connected petitions</b> |                       | <b>2</b>         |
| <b>7) Sr. No.133</b>                                 | <b>CWP-21293-2022</b> |                  |
| Raj Kumar                                            | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>8) Sr. No.134</b>                                 | <b>CWP-21296-2022</b> |                  |
| Ashok Kumar and others                               | Versus                | .... Petitioners |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>9) Sr. No.135</b>                                 | <b>CWP-21303-2022</b> |                  |
| Ashwani Kumar                                        | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>10) Sr. No.136</b>                                | <b>CWP-21304-2022</b> |                  |
| Vijayta Malik                                        | Versus                | .... Petitioner  |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>11) Sr. No.137</b>                                | <b>CWP-21313-2022</b> |                  |
| Meenakshi and others                                 | Versus                | .... Petitioners |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>12) Sr. No.138</b>                                | <b>CWP-21316-2022</b> |                  |
| Satpal                                               | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>13) Sr. No.139</b>                                | <b>CWP-21317-2022</b> |                  |
| Pardeep Singh and others                             | Versus                | .... Petitioners |
| State of Haryana and others                          |                       | ... Respondents  |

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| <b>CWP-21171-2022 along with connected petitions</b> |                       | <b>3</b>         |
| <b>14) Sr. No.140</b>                                | <b>CWP-21318-2022</b> |                  |
| Priyanka Sharma and others                           | Versus                | .... Petitioners |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>15) Sr. No.141</b>                                | <b>CWP-21320-2022</b> |                  |
| Shaveta Sharma                                       | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>16) Sr. No.142</b>                                | <b>CWP-21322-2022</b> |                  |
| Usha Kumari                                          | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>17) Sr. No.144</b>                                | <b>CWP-21326-2022</b> |                  |
| Bina Kumari                                          | Versus                | .... Petitioner  |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>18) Sr. No.145</b>                                | <b>CWP-21327-2022</b> |                  |
| Parmod Choudhary and others                          | Versus                | .... Petitioners |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>19) Sr. No.146</b>                                | <b>CWP-21328-2022</b> |                  |
| Karamvir                                             | Versus                | .... Petitioner  |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>20) Sr. No.147</b>                                | <b>CWP-21329-2022</b> |                  |
| Saroj Bala                                           | Versus                | .... Petitioner  |
| State of Haryana and another                         |                       | ... Respondents  |

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| <b>CWP-21171-2022 along with connected petitions</b> |                       | <b>4</b>         |
| <b>21) Sr. No.148</b>                                | <b>CWP-21330-2022</b> |                  |
| Suman Rani                                           | Versus                | .... Petitioner  |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>22) Sr. No.149</b>                                | <b>CWP-21331-2022</b> |                  |
| Rajan and others                                     | Versus                | .... Petitioners |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>23) Sr. No.150</b>                                | <b>CWP-21333-2022</b> |                  |
| Mohan Lal and others                                 | Versus                | .... Petitioners |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>24) Sr. No.151</b>                                | <b>CWP-21336-2022</b> |                  |
| Sanjay Kumar                                         | Versus                | .... Petitioner  |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>25) Sr. No.152</b>                                | <b>CWP-21339-2022</b> |                  |
| Suman                                                | Versus                | .... Petitioner  |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>26) Sr. No.153</b>                                | <b>CWP-21341-2022</b> |                  |
| Shamsher Singh and others                            | Versus                | .... Petitioners |
| State of Haryana and another                         |                       | ... Respondents  |
| <b>27) Sr. No.154</b>                                | <b>CWP-21342-2022</b> |                  |
| Khushwinder Kaur                                     | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |

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| <b>CWP-21171-2022 along with connected petitions</b> |                       | <b>5</b>         |
| <b>28) Sr. No.155</b>                                | <b>CWP-21343-2022</b> |                  |
| Sumit Kumar                                          | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>29) Sr. No.156</b>                                | <b>CWP-21346-2022</b> |                  |
| Sonia Kundu and another                              | Versus                | .... Petitioners |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>30) Sr. No.157</b>                                | <b>CWP-21348-2022</b> |                  |
| Poonam Rani                                          | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>31) Sr. No.158</b>                                | <b>CWP-21350-2022</b> |                  |
| Rakesh Malik                                         | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>32) Sr. No.159</b>                                | <b>CWP-21352-2022</b> |                  |
| Sushma Kumari                                        | Versus                | .... Petitioner  |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>33) Sr. No.160</b>                                | <b>CWP-21353-2022</b> |                  |
| Surinder Singh and others                            | Versus                | .... Petitioners |
| State of Haryana and others                          |                       | ... Respondents  |
| <b>34) Sr. No.161</b>                                | <b>CWP-21354-2022</b> |                  |
| Kavita and others                                    | Versus                | .... Petitioners |
| State of Haryana and others                          |                       | ... Respondents  |

**35) Sr. No.162 CWP-21356-2022**

Rakesh and others

.... Petitioners

Versus

State of Haryana and others

... Respondents

**36) Sr. No.164 CWP-21381-2022**

Sushma

.... Petitioner

Versus

State of Haryana and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vishal Nehra, Advocate  
for the petitioner in CWP-21171-2022.

Mr. Vivek Arora, Advocate  
for the petitioner in CWP-21211-2022.

Mr. Mukesh Kumar Sharma, Advocate  
for the petitioner in CWP-21303-2022.

Mr. K.S.Godera, Advocate  
for the petitioner in CWP-21260-2022.

Mr. Sunny Singla, Advocate  
for the petitioner in CWP-21342-2022.

Mr. Kamal Mor, Advocate  
for the petitioners in CWP-21293-2022, CWP-21346-2022,  
CWP-21348-2022 and CWP-21350-2022.

Mr. Saurabh Dalal, Advocate  
for the petitioner(s) in CWP-21328-2022 & CWP-21381-2022.

Mr. Parveen Kumar Rohilla, Advocate  
for the petitioner in CWP-21320-2022.

Ms. Sushma, Advocate for  
Mr. V.K.Yadav, Advocate  
for the petitioner in CWP-21352-2022.

Mr. Azad Khan, Advocate,  
Mr. Mazlish Khan, Advocate and  
Mr. Nitin Khan, Advocate  
for the petitioner in CWP-21239-2022.

Mr. Anshul Gupta, Advocate  
for the petitioners in CWP-21296-2022 and CWP-21341-2022.

Mr. Vineet Jakhar, Advocate and  
Mr. Gurminder Singh, Advocate  
for the petitioners in CWP-21331-2022 and CWP-21354-2022.

Mr. Sandeep Goyat, Advocate  
for the petitioner(s) in CWP-21288-2022 & CWP-21290-2022.

Mr. Jasbir Mor, Advocate  
for the petitioners in CWP-21313-2022 and CWP-21317-2022.

Mr. Anil Kumar Bhardwaj, Advocate,  
Mr. Kuldeep Sharma, Advocate  
for the petitioner in CWP-21316-2022.

Mr. V.P.Sangwan, Advocate  
for the petitioners in CWP-21318-2022.

Mr. Inder Pal Goyat, Advocate  
for the petitioner(s) in CWP-21304-2022 & CWP-21339-2022.

Mr. Shalender Mohan, Advocate  
for the petitioner in CWP-21343-2022.

Mr. Sant Lal Barwala, Advocate  
for the petitioners in CWP-21356-2022.

Mr. Pawan Kumar Mutneja, Sr. Advocate with  
Mr. Brijesh Kumar, Advocate  
for the petitioners in CWP-21353-2022.

Mr. Vikram Sheoran, Advocate  
for the petitioners in CWP-21322-2022 and CWP21327-2022.

Mr. Sanchit Punia, Advocate  
for the petitioner(s) in CWP-21329-2022 & CWP-21336-2022.

Mr. Tejpal Dhull, Advocate  
for the petitioners in CWP-21326-2022, CWP-21330-2022 and  
CWP-21333-2022.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

By this common order, all the petitions, the details of which  
have been mentioned in the heading, are being disposed of as all of them  
involve similar question of law.

In the present bunch of petitions, the petitioners are challenging their transfer orders on several grounds which are enumerated as under.

The first ground as submitted by the learned counsel for the petitioner(s) is that the orders of transfers have been passed without going into the factual aspect that certain teachers who though have not completed the minimum tenure at the present place of posting, still they have been transferred, which transfer is contrary to the directions issued by a Coordinate Bench of this Court in **CWP No.15108 of 2021** on 24.08.2021, titled as **Vikram Singh and others versus State of Haryana and others.**

The second ground raised is that certain teachers have been declared surplus even prior to their completion of minimum tenure at the present place of posting so as to transfer them to far off stations without ascertaining the fact that sufficient number of students exists at their present place of posting, hence, declaring of the petitioner(s) as surplus by the respondents is totally arbitrary and illegal so as to effect their transfers.

Third ground raised with respect to certain petitioner(s) is that the stations preferred by them are still lying vacant and are now being treated “kept vacant” by the respondents, however, at the time of seeking options, the said stations were open to be opted for, hence, the transfer of petitioner(s) to a station which was not preferred by them by not considering their claim for the opted station is totally arbitrary and illegal.

Fourth ground raised is that without looking into the family aspects of the petitioner(s), they have been given posting at far off places, which is causing prejudice to the petitioner(s) keeping in view the fact that the petitioner(s) are being paid a fixed salary and it will be difficult for them to survive at the transferred place of posting.



Fifth ground as raised is that the petitioner(s) were transferred on 28.08.2022, 12.09.2022 and 13.09.2022 and within a very short span of period several of them have been again transferred and that too without any valid reason, which is causing prejudice to the petitioner(s).

Sixth ground as raised is that the stations which were opted by some of the petitioner(s), have been given to the candidates who were having lesser merit than the petitioner(s), which is contrary to the provisions of transfer policy.

Lastly the contention raised by learned counsel for the petitioner(s) is that in case of certain petitioner(s), the station which was offered to them, was not allotted on the ground of non availability of the post at the opted station but the same has been given to another candidate subsequent to their transfer, which act of the respondents as submitted is arbitrary and illegal.

Notice of motion.

Mr. Harish Nain, Assistant Advocate General, Haryana accepts notice on behalf of the respondents and submits that the reasons for challenging the transfers being forwarded by the petitioner(s) are specific to them and in case, the petitioner(s) have already raised their grievances by filing of appropriate representation(s) or any representation is filed by the petitioner(s) upto Monday i.e.19.09.2022, the same shall be looked into by the competent authority within a period of 10 days from today by passing an appropriate speaking order.

Learned State counsel further submits that in case, the petitioner(s) have not been relieved till today from the present place of posting then they will be allowed to continue at the present place of posting

till the decision of the said representation(s) in case, the same are filed and in case, the petitioner(s) have already been relieved from the present place of posting, they will not be forced to join at the new place of posting till the decision of the said representation(s).

Learned counsel for the petitioner(s) submit that keeping in view the statement of the learned State counsel, the present petitions may kindly be disposed of as having been not pressed any further with liberty to the petitioner(s), who are yet to file the representation, to approach the respondents by filing appropriate representation(s) raising their grievance as raised in the present petitions.

Ordered accordingly.

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

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

16.09.2022  
Maninder

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