

CWP-1942-2019
CWP-12073-2019 and
CWP-18369-2020

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

Date of decision: 23.02.2023

1. CWP-1942-2019

Ashu Devi
...Petitioner

Versus

State of Haryana and others
.....Respondents

2. CWP-12073-2019

Bansi Lal and others
...Petitioners

Versus

State of Haryana and others
.....Respondents

AND

3. CWP-18369-2020

Surjeet
...Petitioner

Versus

State of Haryana and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashok Bhardwaj, Advocate,
for the petitioners in CWP-1942-2019 and
CWP-18369-2020.

Mr. Pardeep Sehrawat, Advocate for
Mr. Vikram Sheoran, Advocate,
for the petitioner in CWP-12073-2019.

Mr. Rohit Arya, DAG, Haryana.

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HARNARESH SINGH GILL, J. (ORAL)

All these writ petitions can be conveniently disposed of by a common judgment since they raise the same issue as to the transfer of the petitioners, who have been serving as Primary Teachers (PRT)/Junior Basic Training (JBT) Teachers, to the respective districts of their choice/preference.

Learned counsel for the petitioners contend that during hearing of CWP-14553-2021 on 02.06.2022, learned State counsel submitted that action would be taken strictly in terms of affidavit dated 16.03.2022 filed by Addl. Director, Administration, Directorate of Elementary Education, Haryana, Panchkula, and that every effort would be made to complete the entire exercise within a stipulated period. Learned counsel further contend that the State is bound to follow the observations made by the Coordinate Bench, vide judgment dated 02.06.2022 passed in CWP-14553-2021, titled as 'Sandeep Kumar and others Vs. State of Haryana and another.'

At this stage, learned counsel for the parties are *ad idem* that all the writ petitions can be disposed of in terms of the judgment dated 02.06.2022 rendered by the Coordinate Bench in CWP-14553-2021.

The Coordinate Bench, vide judgment dated 02.06.2022 passed in CWP-14553-2021, held as under:

“Short reply by way of affidavit dated 16.03.2022 of Nishu Singal, Addl. Director Administration, Directorate of Elementary Education Haryana, Panchkula has been filed in CWP-14553-2021.

Learned counsel for the parties across the board are ad idem that all the aforementioned writ petitions can be

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disposed of in terms of said affidavit dated 16.03.2022 and particularly in terms of para 10 to 13 thereof, which are reproduced as under:-

“10. That after discussion with the Ld. Advocate General, the State Govt. has come to the conclusion that new transfer drive be started in respect of teachers appointed before 2011 by giving them, the clear cut vacancies, deemed/resultant vacancies and vacancies occupied by the Guest teachers/Adhoc teachers. It is pertinent to mention here that the posts occupied by the teachers appointed in 2017 and onwards in the districts beyond advertised posts at present will also be given to the teachers appointed before 2011 to avoid complications. In this respect, fresh options of 21 districts including new district Charkhi Dadri will be sought from the teachers appointed before 2011. This inter district transfer will be made in groups of teachers appointed in 2004, 2008 and 2011 under 'Cadre Change Policy' dated 06.09.2018 as per scores given in this policy and as per their options. Copy of 'Cadre Change Policy' 06.09.2018 attached as Annexure-R1. The petitioners in the present petition have also prayed for the same relief.

11. That then the process to allocate the districts to the teachers appointed in 2017 and onwards will be started. The total 8763 would be given to the teachers appointed in 2017 and onwards, which were advertised districts wise under advt. No. 02/2012 for Rest of Haryana Cadre for them for the allocations of the Districts.

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For example 400 vacancies are advertised for Ambala, only 400 teachers will be allocated the Ambala District as per their merits, whether 600 teachers have given their options for district Ambala and vacancies are available. Further 445 vacancies advertised for Karnal and at present 200 regular teachers are working there and 145 clear cut vacancies are available but vacancies need 445, then 100 vacancies occupied by Guest/Ad-hoc in Karnal will be taken by treating them as vacant posts.

12. That it is worthwhile to mention here that in case of the teachers appointed before year 2011, there will be transfer under cadre Change Policy 2018, which will be as per the scores basis mentioned in the Cadre Change Policy 2018 and in the case of teachers appointed in 2017 and onwards there will be allocations of the districts as per their merits.

13. That then the process to allocate the districts to the teachers appointed in 2017 and onwards will be started only giving vacancies district wise as advertised in 2012 against Advt. No.02/2012 for Rest of Haryana cadre all the teachers appointed on 2017 and onwards will be asked to participate in the districts allocation process online to avoid complications and to end the dispute of junior and senior as the teachers appointed on 2017 and onwards had filed hundreds petitions for allocation the districts as per merits. In those writ petitions in compliance of the directions passed by the Hon'ble High Court,

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hundreds speaking orders were passed by mentioning that the allocation would be done as per merit. It is also decided that options of 6 districts may be sought for allocation the districts. Keeping in view the above explained facts in the present short reply, it is requested that the present Writ Petitions may kindly be disposed of to avoid the complications and further litigations as the claim of the petitioners appointed before the 2011 and teachers appointed in 2017 and onwards has been accepted.”

Learned counsel for the State reiterates that action shall be taken strictly in terms of affidavit dated 16.03.2022 and every effort shall be made to complete the entire exercise within a period of about ten weeks.

Keeping in view the facts and circumstances as above, all these writ petitions are disposed of in terms of the stand of the respondents as reflected in affidavit dated 16.03.2022. Let action be taken while adhering to the terms and conditions of the process as delineated in this affidavit.”

In view of the above, all the writ petitions are disposed of in terms of the judgment dated 02.06.2022 rendered in CWP-14553-2021.

23.02.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No