

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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CWP-1592-2023 (O&M)

Date of Decision: 31.01.2023

DR. JOGINDER

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravi Kumar Girdhwal, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to allow the petitioner to join at Government College Women, Rohtak, in compliance of the transfer order dated 22.07.2022 (Anexure P-2) passed by respondent No.2.

Learned counsel for the petitioner submits that the petitioner joined the Department on 27.09.2017 as Assistant Professor (College Cadre), H.E.S-II, Sociology at Government College Dujana (Jhajjar); that the petitioner has been working in the Department concerned for more than 5 years; that, though, vide order dated 22.07.2022, the petitioner has been ordered to be transferred to Government College Women, Rohtak, yet he has not been allowed to join the new place of posting; that in Government College Women, Rohtak, one Extension Lecturer, namely, Pooja, was working on the post against which the petitioner has been transferred; that said Pooja preferred CWP-11574-2020 before this Court;

that vide order dated 10.08.2020 passed by this Court, respondents (therein) were directed not to replace Pooja by another set of similarly placed teacher or with the regular teachers on the basis of transfer to the College and that the said writ petition was disposed of on 07.12.2022, by passing the following order:-

'In case after the assessment of the workload, the respondents are of the opinion that there does not exist sufficient workload, the said decision will be given with reason to the petitioner; so that, in case petitioners are aggrieved against the said decision, they can avail appropriate remedy.

At this stage, learned counsel appearing in CWP No.13573 of 2021 argues that on the one hand, keeping in view the workload which existed prior to the passing of the order dated 20.01.2020, the respondents had sent a requisition to the Public Service Commission for the recruitment to the concerned post but after the decision Annexure P-6 dated 20.01.2020, the said requisition was not modified, hence, the newly recruited staff will create a situation where, the regular incumbent will be more than the regular sanctioned post advertised by the respondents, keeping in view the order dated 20.01.2020, which will not be in the interest of this case.

In this regard, the petitioner should not be concerned for the reason that the same is the concern of the department only. Further, it is a settled principal of law that the selection of candidates does not confer any right to claim appointment. In case work exists with the respondent-State, the respondent-State in its wisdom will decide to appoint number of candidates for whom vacancy exists as per the rationalization undertaken. This Court is not required to adjudicate on the said aspect as the same has no co-relation with the grievance of the petitioners raised in the present petition.

Keeping in view, the present petition are disposed of.

Ordered accordingly.

CM-3903-CWP of 2021, CM-7731-CWP-2020, CM-19262-CWP-2021 and CM-19266-CWP-2021 and CM-15590-CWP-2022 also stands disposed of.

Learned counsel for the petitioner further submits that since the petition preferred by Pooja stands disposed of and the stay has now been discontinued and that the workload in the Department concerned still subsists, the petitioner be allowed to join the new place of posting. He further submits that the petitioner has moved a representation dated 30.12.2022 (Annexure P-7), but to no avail.

Notice of motion.

On the asking of this Court, Mr. RS Budhwar, Additional AG Haryana, accepts notice on behalf of the respondents. He submits that since there was stay operating against the post (on which the petitioner is to be transferred) in favour of Pooja, his case was not considered and as, the stay has now been discontinued, the case of the petitioner can be considered afresh.

I have heard the learned counsel for the parties.

On disposal of CWP-11574-2020, the dispute in the present case stands resolved. Thus, respondent No.2-Additional Chief Secretary, is hereby directed to consider the case of the petitioner for his transfer, as per transfer order dated 22.07.2022 and to take a decision on the representation dated 30.12.2022 moved by the petitioner, within six weeks from receipt of a certified copy of this order.

Disposed of in the above terms.

31.01.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>