

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

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CWP-2927-2023 (O&M)

Date of Decision: 25.05.2023

SAROJ KUMARI

... Petitioner

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mohit Kakkar, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Certiorari quashing the order dated 04.10.2022 (Annexure P-2) passed by respondent No.2, vide which the petitioner has been transferred to Government Senior Secondary School, Mamer Khera, Sirsa.

Learned counsel for the petitioner submits that vide order dated 07.09.2022 passed by a Coordinate Bench of this Court in CWP-20264-2022 titled as Saroj Kumari vs State of Haryana and another, the respondents were directed to decide the representation dated 04.09.2022 moved by the petitioner. The relevant extract of the order dated 07.09.2022 would read as under:-

'It is directed that the respondents will abide by the undertaking as recorded hereinabove and further till the representation is decided by the respondent-department, in case the petitioner has not been relieved so far, she be allowed to continue at her present place of posting so that in case claim of the petitioner is accepted by the

respondents, she does not suffer harassment or prejudice. It is made clear that in case claim of the petitioner is not accepted by the respondents, the petitioner will be bound to comply with the order of transfer so as to join at her new place of posting.

In case, after the decision of the respondents, the petitioner feel aggrieved, she will be at liberty to avail an appropriate remedy available with her for the redressal of her grievance.

Learned counsel for the petitioner further submits that in the impugned order passed by the Director, Elementary Education, Haryana, it has specifically been mentioned that in first round of general transfer drive, the petitioner had filled 41 preferences, but due to technical error, zero (0) was shown against the preference numbers and that in second round, the petitioner filled five preferences and has been allotted first preference/school i.e. Government Senior Secondary School, Mamer Khera, Sirsa (Trained Graduate Teacher Physical Education/Master (DPE), as she secured 48.9151 points. He further submits that the petitioner being a lady has to look after her children and is unable to commute at a distance of about 42 k.m. daily and thus, the respondents be directed to consider her case afresh.

Notice of motion.

On the asking of this Court, Mr. RS Budhwar, Additional AG Haryana, accepts notice and submits that since the petitioner has been allotted the first preference/school, though in second round of transfer drive, she is duty bound to join the new place of posting.

I have heard the learned counsel for the parties.

Without going into the merits of the case and considering the fact that the school at which the petitioner is now posted is about 42 k.m. and the petitioner being a lady has to look after her children, respondent No.2-Director, Elementary Education, Haryana, is directed to consider the case of the petitioner, for posting/transfer, afresh and as per law.

Disposed of.

25.05.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No