

CWP-12375-2021

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

CWP-12375-2021 (O & M)

Date of decision: 15.02.2023

Manu Devi

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Manav Dhull, Advocate for
Mr. Robin Singh Hooda, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl. A. G.Haryana.

HARNARESH SINGH GILL, J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution for issuance of directions to the respondents to grant 05 points, as per the transfer policy dated 13.02.2020 (Annexure P-2) and clarification dated 27.05.201 (Annexure P-3), on account of the fact that her husband is working in the Government Department, Haryana.

Learned counsel for the petitioner contends that vide letter dated 05.03.2014 (Annexure P-1), the petitioner had been appointed as a Post Graduate Teacher (PGT) in English with the School Education Department, Haryana; that initially, the petitioner was posted at Senior Secondary School, Kharak Kalan, District Bhiwani, from where she had been transferred to Govt. Senior Secondary School, Dhareru, District Bhiwani; that the State of Haryana notified the online transfer policy dated 13.02.2020 by virtue of which benefit of 05 points is to be given to

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a female employee in case her spouse is working in any department/Board/Corporation under any State Government or Govt. of India, and that vide letter dated 27.05.2021 (Annexure P-3), it was clarified that the State Govt. had decided to give the benefit of instructions dated 13.02.2020 to the regular female teachers working in Govt. Schools of Haryana State and they would be entitled to get the benefit of 05 points during online transfers, if their spouses are working in Department/Corporation/Board under any State Govt. or Govt. of India.

Learned counsel for the petitioner further contends that although the husband of the petitioner is working as DMM Instructor on contract basis at Govt. Model, I.T.I, Sector-5 Rohtak, yet the benefit of 05 points during online transfers was not granted to her.

On the other hand, learned State counsel, while rebutting the submissions made by the learned counsel for the petitioner, submits that the Haryana Government had introduced general principles for online transfer of employees, vide policy dated 13.02.2020; that the aforesaid policy provides that a female teacher would be granted the benefit of 05 points during online transfers in case her spouse is working in any Department/Board/Corporation under any State Govt. or Govt. of India. Learned State counsel further contends that vide order dated 16.07.2021 (Annexure R-1), it was also made clear that only those female teachers are entitled to the points under the category of 'Couple Case', whose spouses are working on regular basis in the Govt./semi Govt. organization(s), and that accordingly, the case of the petitioner had not been considered under the category of couple case.

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I have heard the learned counsel for the parties.

Indisputably, the petitioner is working as a PGT (English) on regular basis. In pursuance of the policy dated 13.02.2020 (Annexure P-2), the petitioner was/is also eligible for participating in the online transfer drive. Admittedly, the husband of the petitioner is working as DMM Instructor on contract basis.

The policy dated 13.02.2020 provides that only those female teachers are entitled to the points under the category of 'Couple Case', whose spouses are working in any Department/Board/Corporation under any State Govt. or Govt. of India. Thereafter, interpretation of various clauses of the Teachers Transfer Policy had been done to clarify some doubts. Vide order dated 16.07.2021, it was made clear that only those female teachers are entitled to the points under the category of 'Couple Case', whose spouses are working on regular basis in the Govt./semi-Govt. organization(s). Moreover, the possibility cannot be ruled out that the husband of the petitioner, who is working on contractual basis, may not be in service at the time of completion of transfer drive process.

Keeping in view the fact that the husband of the petitioner is working on contract basis, this Court finds that the petitioner is not entitled to 05 points under the category of 'Couple Case', during online transfer.

Therefore, finding no merit in the present petition, the same is dismissed.

15.02.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No