

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12589 of 2021 (O&M)

Date of decision: 23.01.2023

Rajwinder Kaur

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.K.Arora, Advocate
for the petitioner.

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. This writ petition has been filed for the following substantive reliefs:-

- a) *issue a writ in the nature of Certiorari or such other appropriate writ, order or directions for quashing the memo dated 08.07.2021 (P-10), whereby, respondent No.5 has directed respondent No. 6 to relieve the petitioner from Government Senior Secondary School, Bharatgarh, District Ropar and to ensure her Joining at Government Senior Secondary School (Boys), Fatehabad, District Tarn Taran Just after about less than three months of the Joining of the petitioner at the said station on 16.04.2021 in terms of transfer order dated 22.03.2021 (P-6) passed by respondent No.2 and also quashing the show cause notice/disciplinary proceedings initiated against the petitioner vide order dated 08.07.2021 (P-9) on the alleged charge that she made request for her transfer during probation; as patently wrong, illegal, arbitrary, mala fide, without Jurisdiction, unconstitutional, vague because such act does not constitute any misconduct in law either in terms of her appointment letter, rules governing her service conditions and Teachers Transfer Policy – 2019 (P-4):*
- b) *issue a writ in the nature of mandamus directing the respondents to allow the petitioner to continue working at Government Senior Secondary School, Bharatgarh, District Ropar in terms of her valid transfer order dated 22.03.2021 (P-6) passed by the competent authority*

respondent No.2 and grant her all consequential benefits”

2. The relevant facts, in brief, are required to be noticed:
3. Pursuant to order of appointment dated 08.03.2019, the petitioner joined as a Lecturer on 14.05.2019. She applied for the transfer of her place of posting which was allowed from the Government Senior Secondary School, Fatehabad, District Tarn Taran to Government Senior Secondary School, Bharatgarh, District Roopnagar. Subsequently, it came to the notice of the Principal of the Government Senior Secondary School, Fatehabad, District Tarn Taran, that she was not entitled to even apply for transfer as per the prevalent policy. Hence, a letter was written to the Government Senior Secondary School, Bharatgarh, District Roopnagar, to direct her to report back to the previous place of posting. The disciplinary proceedings were also sought to be initiated against the petitioner on the ground that she, even though, not covered by the policy, applied for the transfer.

On 13.07.2021, the following order was passed:-

“Contends that in pursuance to transfer order dated 22.03.2021, petitioner joined her duty on 16.04.2021 at Government, Senior Secondary School, Bharatgarh, District Rupnagar, but to her utter surprise, she has not only been issued show-cause notice dated 08.07.2021; rather again transferred to the earlier place of posting, i.e. Government Senior Secondary School (Boys), Fatehabad, District Tarn Taran, within two and half months.

Notice of motion for 19.08.2021.

Notice re: stay as well.

Till the next date of hearing, operation of the impugned order dated 08.07.2021 (P-10) shall remain stayed.”

4. The learned counsel representing the State of Punjab has informed the Court that the communication dated 08.07.2021, stands

withdrawn and the petitioner has been called for hearing today by the Director, Public Instructions (Secondary Education).

5. Keeping in view the aforesaid facts, the writ petition is disposed of with a direction to the Director, Public Instructions (Secondary Education), to take a comprehensive view of the matter after considering all aspects., within a period of one month, from today, positively.

6. Disposed of accordingly.

7. All the pending miscellaneous applications, if any, are also disposed of.

January 23, 2023
nt

(ANIL KSHETARPAL)
JUDGE

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