

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

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**CWP-16215-2020 (O&M)
Date of Decision: 27.01.2023**

BHUPINDER JIT AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ANR

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sajjan Singh, Advocate the petitioners.

Mr. Rohit Arya, DAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioners seeks issuance of a writ in the nature of Certiorari/Mandamus for quashing the offered vacancy list, vide which only 344 out of 873 posts of High School Headmasters have been offered as option against 298 newly promoted Headmasters.

Learned State counsel submits that petitioner No.1 has taken Voluntary Retirement (VRS) and petitioner No.2 has already been transferred to Gurugaon. Thus, the present petition survives only qua petitioners No.3 and 4.

On 05.10.2020, the following order was passed by a Coordinate Bench of this Court:-

*'The case has been taken up for hearing
through video conferencing.*

*Learned counsel for the petitioners
submits that the petitioners are High School Masters.
Teacher transfer policy of 2016 was amended on
01.06.2017. Definition of the vacant posts was given*

viz-a-viz Actual Vacancy and Deemed Vacancy. It was observed that some vacancies of all categories of teachers may remain vacant at any given point of time due to shortage of teachers in the department. To avoid disproportionate concentration of teachers in some schools, the department may block some actual vacant posts to be kept vacant in the transfer drive. Thereafter, vide instructions dated 13.02.2020, general principles for online transfers of the employees were circulated. The vision was to ensure equitable distribution of the government employees at different locations in a fair and transparent manner and to maximize job satisfaction amongst employees and further to improve performance of the department. The rationalization and blocking of posts were with a view to avoid disproportionate concentration of employees at a particular station. The department was required to rationalize the sanctioned posts and also block actual vacant posts to be kept vacant in the transfer drive. It was also observed that in the long run, the department may increase or decreases the total number of sanctioned posts as per their requirement in consultation with Work Assessment Cell in the Administrative Reforms Department and Finance Department. The petitioners were promoted to the posts of Headmasters vide orders dated 21.07.2020/27.07.2020. The petitioners No. 1, 3 and 4 have been transferred out of cadre to different stations in District Nuh. Only 344 stations were offered for online counselling to the Headmasters promoted vide order dated 21.07.2020/27.07.2020. Actually 873 vacancies of the school Headmasters are available and the department has blocked 529 posts out of the aforesaid 873 vacancies

and has offered only 344 vacancies of the Headmasters so promoted.

The grievance of the petitioners is that the transfer policy has not been adhered to in its letter and spirit and the petitioners have been transferred to distant places even to the stations beyond cadre of the petitioners.

Notice of motion.

Notice re:stay.

On the asking of Court, Ms. Deipa Singh, Addl. AG, Haryana accepts notice on behalf of the respondents.

Adjourned to 07.10.2020'.

At this stage, learned counsel for the petitioners confines his argument to the extent that petitioners No.3 and 4 will be satisfied if their case is considered as per their respective cadres.

Learned State counsel has no objection to the limited prayer made by the learned counsel for the petitioners.

I have heard the learned counsel for the parties.

Without commenting upon the merits of the case, the present petition is disposed of with a direction to respondent No.2-Directorate, Secondary Education, Haryana, to consider the case of petitioners No.3 and 4 as per the Haryana State Education School Cadre (Group B) Service Rules, 2012 (Annexure P-9) and decide their claim within six weeks from today, as per law.

27.01.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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