

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

211

CWP-23860-2019 (O&M)

Date of Decision: 26.05.2023

MAHAVEER SINGH AND ORS

... Petitioners

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vikram Sheoran, Advocate
for the petitioners.

Mr. Rohit Arya, DAG, Haryana.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Certiorari quashing the transfer order dated 23.08.2019 (Annexure P-14), vide which the persons junior to the petitioners have been transferred to their Home Districts, whereas the petitioners have been deprived of such benefit.

The only grievance raised by the learned counsel for the petitioners is that in the earlier transfer drive, the posts vacated by the Guest Teachers, were not declared vacant and thus, as against the said posts, the petitioners could not opt.

On the other hand, learned State counsel argues that it was because of misunderstanding that the posts vacated by the Guest Teachers were not declared vacant and thus, the same could not be made available for being opted by the Teachers, like the petitioners. He further submits that now, immediately post the examination sessions, a fresh transfer

drive is scheduled to take place and that in the said transfer drive, the posts vacated by the Guest Teachers will be included and all the teachers shall be given opportunity to apply against the said posts.

I have heard the learned counsel for the parties.

In view of the statement made by the learned State counsel, the present petition is disposed of with a direction to respondent No.3- Director, Elementary Education, Haryana, to declare the posts vacated by the Guest Teachers as vacant and allow the petitioners to participate in the next transfer drive against such posts as well.

26.05.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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