

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

CWP-24735-2019

Date of decision: 02.03.2023

Urmila Devi

...Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Govind Mor, Advocate for
Mr. Jasbir Mor, Advocate,
for the petitioner.

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

HARNARESH SINGH GILL, J. (ORAL)

Challenge in the present petition is to the transfer policy dated 29.06.2016 and 05.06.2017 (Annexures P-3 and P-4, respectively) qua not keeping the handicapped persons with the disability of 70% or above in the protection/special category like blind 100%, divorce women, widow etc. in the matter of transfer of the teachers.

Learned counsel for the petitioner contends that the petitioner is 85% handicapped, owing to amputation of right leg upto thigh; that vide document (Annexure P-8), public notice had been issued calling options from the interested teachers for transfer; that however, the persons of such disability cannot be transferred in view of Clause H of instructions issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, except for administrative reasons, and that even as per Clause 9 (i) (b) of the amended Teacher Transfer Policy, the petitioner having such disability cannot be forced to participate in the transfer drive.

Learned State counsel draws the attention of this Court towards the affidavit dated 23.08.2022 filed by the Joint Director, Administration, Directorate of Elementary Education, Haryana, Panchkula, wherein it has been stated that the petitioner is eligible to be protected for not participating in the Intra District Transfer for the reason that she is having 85% locomotor disability, and that the petitioner would not be insisted to participate in the Intra District Transfer.

In view of the aforesaid stand taken by the Department, the present petition has become infructuous.

Disposed of accordingly.

02.03.2023

parveen kumar

(HARNARESH SINGH GILL)**JUDGE**

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No