

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

1.CWP-22310-2022 (O&M)

Pooja Mahajan

....Petitioner

Versus

State of Punjab and others

..Respondents

2.CWP-23346-2022 (O&M)

Pooja Mahajan

....Petitioner

Versus

State of Punjab and others

..Respondents

Date of decision: 25.01.2023

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Inderjit Sharma, Advocate for the petitioner

Mr. Gurpreet Singh, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. By this order, two Civil Writ Petitions i.e CWP-22310-2022 and CWP-23346-2022 shall stand disposed of.

2. Essentially, the petitioner, who is common in both the writ petitions, assails the correctness of her transfer from the Government Primary School Hardo Bathwala, Block Gurdaspur-II to Government Primary School, Village Tattle, Block Gurdaspur-II.

3. The petitioner is employed as an Elementary Trained Teacher. Pursuant to an online transfer policy of the teachers, issued by the Education Department, Punjab, in March/April, 2021, the petitioner

herself applied for her transfer to the Government Primary School, Tatle, Block Gurdaspur-II, which was accepted by the concerned authority. However, subsequently, she submitted a request that she has wrongly filled in the option and therefore, she is not interested in her transfer to the Government Primary School, Tatle, Block Gurdaspur-II. Various requests made by the petitioner for cancellation of her transfer have not been accepted.

4. In CWP-22310-2022, the petitioner prays for transfer of her staff data from the Government Primary School, Tatle, Block Gurdaspur-II to the Government Primary School, Hardo Bathwala, Block Gurdaspur-II.

5. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

6. Learned counsel representing the petitioner contends that once an application for cancellation has been submitted and similar benefit has been extended to an another teacher, the action of the respondents is discriminatory.

7. On the other hand, the learned State counsel has submitted that the petitioner was transferred as per her own application/request. He submits that the transfer is the normal incidence of the Government service.

8. It is evident that the petitioner has been transferred on her own application/request. She has been transferred in the same block i.e Gurdaspur II, the Block she applied to the Department for, in which she

was previously posted. The petitioner does not allege that the transfer order is in violation of the service rules. Moreover, she does not dispute the fact that she was transferred as per her own application/request.

9. As regards the allegation of discrimination, Article 14 of the Constitution of India is both a positive and negative right. All that Article 14 guarantees is a similarity of treatment not identical treatment in all the cases absolutely. The State always has the power to classify on the basis of rational distinction that includes intelligible differentia, related to the particular subject to be dealt with in the particular circumstances of each case.

10. Keeping in view the aforesaid facts, this Court does not find it appropriate to exercise its extraordinary jurisdiction.

11. Hence, dismissed.

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

25.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE