

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 115

Civil Writ Petition No.20447 of 2023

Date of Decision: *September 15, 2023*

Rajesh Kumar

..... PETITIONER(S)

VERSUS

State of Haryana and another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Sanchit Punia, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *mandamus* directing the respondents to declare the petitioner as surplus in place of Mr. Bharat Bhushan (203400), in the light of recommendation of the Block Education Officer, Baragudha, District Sirsa dated 23.07.2023.

2. Learned counsel contends that both, the petitioner and Bharat Bhushan, are working as PGT Physics in GMSSSS, Bapp, District Sirsa. The General Transfer Drive, 2023 is going to commence soon and the petitioner intends to participate in the same, but Mr. Bharat Bhushan has been declared surplus instead of him. An affidavit, dated 23.07.2023, has also been sworn by Bharat Bhushan that he has no objection to the petitioner being declared surplus in his place and allowed to participate in the Transfer Drive. Despite the recommendation by the Block Education Officer also to that effect, the petitioner's pending representation is not being decided. The apprehension is, in case it is not decided before the commencement of

Transfer Drive, the petitioner will be deprived of his right to participate in it.

3. Notice of motion.

4. Ms. Tanushree Gupta, DAG, Haryana, appearing on advance notice, submits that appropriate decision on the pending representation, dated 10.08.2023, Annexure P-8, shall be taken by respondent No.2 before commencement of the Transfer Drive.

5. In view thereof, without going into merits of the case, the petition is disposed of with a direction to respondent No.2/Director, Secondary Education, Haryana, to consider and decide the pending representation, dated 10.08.2023, by passing a speaking order in accordance with law before the commencement of Transfer Drive.

(Tribhuvan Dahiya)
Judge

September 15, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No