

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 131

Civil Writ Petition No.21185 of 2023
Date of Decision: September 21, 2023

Jyoti Saini

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

...

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

...

PRESENT: - Mr. Dalbir Singh, Advocate for the petitioner.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *mandamus* directing the respondents to consider the petitioner's case for transfer/deputation/adjustment at the place of her in-laws' residence.

2. The petitioner is working as PGT (Chemistry) on contractual basis with respondent No.5/AAROHI Model Senior Secondary School, Mandhana, Mahendergarh.

3. Learned counsel for the petitioner contends that the petitioner is in medially poor condition as she had to undergo abortion twice, and is not able to travel. She needs to be with her in-laws in these times, to be taken care of. Therefore, she should be posted in any of the schools of the respondent Department in Sonipat district, where her in-laws reside. It is further contended that the respondents have deputed similarly placed employees, like the petitioner, to schools other than the ones they were initially posted, as is apparent from the order, dated 13.07.2023, Annexure P-27.

4. Mr. Sanjeev Kaushik, Addl. AG, Haryana, appearing on

advance notice, contends that as per terms of appointment letter issued to the petitioner, Annexure P-3, she is not entitled to seek transfer from the place of initial posting. This condition has been incorporated in terms of Rule 13 of Haryana Aarohi (EBB) Model School Society Service Bye-Laws, 2011.

5. Heard.

6. A perusal of the order, dated 13.07.2023, shows that services of a Post Graduate Teacher/PGT (Physical Education) working in Aarohi Model Senior Secondary School, Bangaon (Fatehabad), were placed at the disposal of HSSPP, Panchkula, for a period of six months with immediate effect. It was also ordered that his salary would be drawn from his parent school at Bangaon. It is, therefore, apparent that despite there being a provision in the bye-laws against transfer of teachers from the place of their initial posting, the respondents have been sending employees to other institutions on deputation for limited periods.

7. In view thereof, without going into merits of the case, the petition is disposed of with liberty to the petitioner to file a representation before respondent No.2/Director Secondary Education, Haryana, seeking deputation to a school in Sonipat district on account of her medical condition, within a period of one week from today. In case any such representation is filed, the same shall be decided by respondent No.2 by passing a speaking order in accordance with law, within a period of four weeks from the date of receiving the representation.

(Tribhuvan Dahiya)
Judge

September 21, 2023

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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No