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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23998-2023 (O&M)
Date of Decision: 19.10.2023

Karan Kumar and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Ms. Kriteka Sheokand, Advocate, for the petitioners.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioners has challenged the order of Director, Education Department dated 13.10.2023 (P-4) whereby transfers have been made of teachers/lecturers to the Schools of Eminence.
2. Learned counsel submits that as per the notification dated 28.06.2023, the lecturers and teachers were asked to submit their details, who want to be transferred to the School of Eminence, and as none of the petitioners have made any request for transfer, the order dated 13.10.2023 is clearly illegal and unjustified.
3. Learned counsel submits that in *CWP-3-2020 in Sukhwinder Singh and others vs. State of Punjab and others*, which came up before this Court in the year 2020, the Court observed that the rationalization policy initiated by the respondents/State in the mid-session would affect the studies of the children, and therefore an interim order was passed by this Court which resulted in withdrawing of the rationalization policy.

4. Learned counsel has further submitted that the Education Department of Government of Punjab itself recognizes that if any change in the academic work is done in the mid-session, it affects the education of the children. In such circumstances, she submits that there was no occasion to issue transfer orders in the mid-session which has started from April, 2023. It is submitted that action of the respondents is illegal and arbitrary.
5. I have considered the submissions.
6. The State Government has come out with a policy of establishing Schools of Eminence. In the first phase, 117 Government Senior Secondary Schools across 23 districts of Punjab have been chosen to embark on the journey to be transformed into School of Eminence, which would cater to Classes IX to XII students.
7. In order to develop the said School of Eminence and make them successful, the State Government also sought option from existing lecturers and teachers working in various schools in different districts to opt for joining the said schools on transfer.
8. The public information issued on 28.06.2023 which has been referred by learned counsel for the petitioners, thus is for the purpose of those teachers who are from the other districts. So far as the teachers working in the same district are concerned, the respondents have issued an order on 13.10.2023 transferring lecturers teaching various subjects from the Government middle schools and Government senior secondary schools to the Schools of Eminence established in the same district.
9. The said postings therefore, in the opinion of this Court, cannot be termed to be essentially transfers outside the district and the posting of the

concerned teachers cannot be said, in any manner, to be unjustified, arbitrary or illegal.

10. In fact, this Court finds that the orders have been passed in furtherance of the policy taken by the State to enhance the level of the Schools of Eminence established in the various districts at various places.
11. The arguments advanced by learned counsel with regard to disturbing the mid-session and the students also does not appeal to this Court, as the petitioners have not been able to show that sufficient number of teachers are not available in the respective schools to continue to teach the concerned students upon the petitioners being transferred to the Schools of Eminence.
12. In view thereof, no interference is warranted.
13. Writ Petition is accordingly *dismissed*.
14. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

October 19, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |