

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

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**CWP No.24544 of 2023
Date of Decision : 2.11.2023**

*Shalender Kumar and another**..... Petitioners**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K. Bishnoi, Advocate, for the petitioners

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the impugned transfer orders dated 18.10.2023, Annexures P-4 and P-5, *qua* the petitioners, vide which they have been transferred from District Fatehabad to District Sirsa.

2. It is not disputed that the petitioners belong to 2017 Batch of Primary Teachers (PRTs) appointed pursuant to advertisement no.2 of 2012. There was a litigation pertaining to their selection, which came to an end finally by an order passed by the Supreme Court in Civil Appeal no.7136 of 2022 titled *Vikas Kumar and others v. The State of Haryana and others*. Only thereafter, the process to permanently allot districts to them was notified by the government for the first time vide notification dated 12.10.2023, Annexure P-10, which is not a transfer drive. The issue already stands decided by this Court vide order dated 16.10.2023 passed in CWP No.22244 of 2023 titled *Ravinder Rathee and others v. State of Haryana and another*, upholding the process/schedule for allotment of

permanent districts to 2017 Batch PRTs. The relevant paragraph no.8 of the judgment is as follows:

8. In view of this factual background, it is apparent that the petitioners, being 2017 Batch PRTs, were never allotted a district permanently, as they were appointed pursuant to interim orders by Court during pendency of the litigation impugning their selection process; besides, the appointments were made before final seniority positions of the batch could be determined. This is the reason condition no.14 was included in the letters of appointment stipulating that they were temporarily being allotted the district which was subject to change. After the litigation questioning the selection process came to an end in terms of order, dated 13.9.2022, passed in *Vikas Kumar* case (*supra*), which upheld the selection and determined their seniority position finally, the respondents have undertaken this drive vide the impugned General Notice for permanent district allotment to 2017 Batch PRTs keeping in view their seniority positions and the options given. This could have been done only after the petitioners' selection was upheld which necessitated their participation in it too. Therefore, there is nothing illegal or irregular either about condition no.14 of appointment or the permanent district allotment drive, as it is being undertaken in the light of aforesaid order passed by the Supreme Court as well as the affidavit submitted by the respondents before this Court in *Sandeep Kumar* case (*supra*).

3. In view thereof, there is no ground to entertain the petition.

4. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

2.11.2023
Ashwani

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No