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CWP-7394-2020

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

201

CWP-1336-2020 & CWP-7394-2020

Date of decision: 10.09.2024

RAJNI CHAUHAN

....PETITIONER

Vs.

PANJAB UNIVERSITY AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rishav Sharma, Advocate
for the petitioner(s) (in both cases) (through V.C.).

Mr. Subhash Ahuja, Advocate
for the respondent(s) (in both cases).

JAGMOHAN BANSAL, J (ORAL)

1. By this common order CWP-1336-2020 and CWP-7394-2020 are being disposed of since issues involved in both the petitions and prayer sought are common. With the consent of parties and for the sake of brevity, facts are borrowed from CWP-1336-2020.

2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 13.01.2020 (Annexure P-1) whereby she was transferred from University School of Open Learning, Panjab University, Chandigarh to Panjab University Constituent College, Sikhwala, District Sri Muktsar Sahib, Punjab.

3. Considering the fact that children of the petitioner are minor and transfer has been made in the middle of academic year, vide order dated 20.01.2020, this Court stayed the impugned order. The order dated 20.01.2020 is

reproduced as below:-



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“Notice of motion, returnable on 23.4.2020.

Upon asking of the Court, Mr. Subhash Ahuja, learned counsel, takes notice for the respondent-University.

Perusal of the impugned order dated 13.1.2020 (Annexure P-1) reflects that the petitioner is sought to be transferred with immediate effect. There is no indication of the respondent-University having considered the fact that doing so in the middle of the academic year would have an adverse effect upon the school-going children of the petitioner, who are stated to be of the ages of 11 and 8 years.

There shall accordingly be interim suspension of the impugned transfer order dated 13.1.2020 (Annexure P-1) till the next date of hearing.

A copy of the complete paperbook be handed over to learned counsel for the respondent-University during the course of the day.”

4. The petitioner was initially appointed at Balachaur and she, to avoid controversy which erupted amongst the teachers, was transferred to Panjab University Regional Centre, Ludhiana and then to Chandigarh. By impugned order, she has been transferred to Sri Muktsar Sahib. She claims that she has been appointed on contract basis and a contractual employee cannot be transferred from her place of posting.

5. The petitioner, on account of interim order, is staying at Chandigarh for the last 4 years. The argument of petitioner that a contractual employee cannot be transferred is misconceived because she was appointed at Balachaur and thereafter transferred to Chandigarh. She happily accepted transfer to Chandigarh and does not want to leave Chandigarh.

6. She is claiming that University has advertised two regular posts and she has applied for the said post. The petitioner would be entitled to work at



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Chandigarh if she is selected in the regular process but she cannot claim that she should be allowed to continue at Chandigarh despite decision of the University to post her at Sri Muktsar Sahib.

- 7. The respondents shall not dispense with services of petitioner till the appointment of regular teacher against the post she is occupying.
- 8. The impugned transfer order is hereby upheld.
- 9. Disposed of accordingly.

10.09.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

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