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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2147-2024

Date of Decision: 01.02.2024

Rajinder Kumar

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Ramesh Sharma, Advocate,
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for the petitioner submits that the petitioner has been transferred as a Maths teacher from GHS Jawaharpur, SAS Nagar to SSS Dadumajra, Fatehgarh Sahib. It is submitted that the order passed is a colorable exercise of power as the action has been taken solely because the petitioner had lodged a complaint against the administrator for embezzlement. The enquiry is being conducted and the petitioner would be unable to assist in the enquiry if he is transferred. It is also stated that the head mistress had lodged an FIR against the petitioner under section 354, 354-A of IPC wrongfully and with a purpose to harass the petitioner. It is stated that the respondents with the purpose to help the concerned head mistress have transferred the petitioner. He therefore prays that the transfer order be quashed and set aside.
2. Learned counsel appearing for the State has informed that while the petitioner was transferred on account of allegations levelled against him, the head mistress too has been transferred to another school. Thus,

the Education Department is examining the matter without showing any partiality against any of the officers, and the enquiry shall be conducted fairly. If need so arises, the petitioner’s assistance shall be taken for the purpose of enquiry relating to embezzlement.

- 3. I have considered the submissions.
- 4. So far as transfer of the petitioner is concerned, this Court finds that the transfer order does not warrant any interference, and the respondents would conduct the enquiry fairly and take it to a logical end.
- 5. With the said observations, the writ petition stands *disposed of*.

(SANJEEV PRAKASH SHARMA)
JUDGE

February 01, 2024
Mohit goyal

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