

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

(116)

CWP-5720-2024

Date of Decision : March 12, 2024

Vikas

.. Petitioner

Versus

State of Haryana and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Sonia, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that without evaluating the actual merit of the petitioner and extending the entitled marks/points, the petitioner has been transferred, which is arbitrary and illegal.

2. Learned counsel for the petitioner argues that under the transfer policy, five marks were to be given to a couple case and in the present case, the wife of the petitioner is also working as Guest Teacher in the Government School hence, the petitioner was entitled for the benefit of five marks/points for the couple case, which benefit has not been extended to the petitioner and had the said marks been allocated to the petitioner, his total marks/points would have been much more so as to give him a better place of posting in view of the preference options as extended by the petitioner.

3. Learned counsel for the petitioner submits that keeping in view the transfer policy, the respondents are liable to be directed to grant five marks/points to the petitioner under the head of couple case and thereafter re-evaluate the eligibility of the petitioner to be transferred as per the option

exercised.

4. Learned counsel for the petitioner submits that the grievance raised in the present petition has already been raised by the petitioner in the representation dated 04.03.2024 (Annexure P-9) which is still pending consideration with the respondents and the petitioner will be satisfied at this stage in case a time bound direction is issued to the respondents to decide the said representation by passing an appropriate speaking order.

5. Notice of motion.

6. Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

7. Learned counsel for the respondents submits that in case the representation dated 04.03.2024 (Annexure P-9) has been received in the concerned office and is still pending consideration, the same will be decided by the authorities concerned within a period of two weeks of the receipt of copy of this order and in case, after the decision of the representation, any benefit accrues to the petitioner, the same will also be extended to him otherwise, due reasons will be given while passing appropriate speaking order.

8. Learned counsel for the petitioner submits that keeping in view the statement of learned counsel for the respondents, the present writ petition may kindly be disposed of having been not pressed any further.

9. Ordered accordingly.

March 12, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No