



IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 110

Civil Writ Petition No.8347 of 2024

Date of Decision: *May 30, 2024*

Bala Rani

..... PETITIONER(S)

VERSUS

State of Haryana & others

..... RESPONDENT(S)

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

PRESENT: - Mr. Suresh Kumar Kaushik, Advocate, for the petitioner.

Mr. Sandeep Singh Mann, Additional Advocate General,
Haryana.

Tribhuvan Dahiya, J (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the transfer orders dated 16.03.2024, claiming that the preferences given by the petitioner for allocation of schools have not been considered as per merit, and she has been wrongly placed under ‘Anywhere’ category.

2. Learned State counsel has filed an affidavit of Kamal Preet Kaur, Additional Director, Elementary Education, dated 27.05.2024, explaining the reasons why the petitioner was considered under ‘Anywhere’ category for allotment of schools, which reads as under:-

That it is pertinent to mention here that the petitioner has filled her options/preferences of 112 schools on 15.03.2024 at 7:26PM, but has withdrawn the options on the same date i.e. on 15.03.2024 at 7:28PM, the annexure of which is annexed herewith as **Annexure R-1**. Hence, accordingly the petitioner fall under the ‘Anywhere’ category.



3. Learned counsel for the petitioner contends that 112 options were submitted by the petitioner but the record of only six options which were withdrawn has been produced as Annexure R-1. Since the record regarding withdrawal of rest of the options has not been produced, the respondents’ plea cannot be accepted.
4. The contentions raised by learned counsel for the petitioner cannot be accepted in view of the affidavit filed by the Additional Director, that preferences of 112 schools given by the petitioner on 15.03.2024 at 07:26 PM were withdrawn by her two minutes later. In case complete record of all the options withdrawn has not been attached with the affidavit, that cannot be a ground to disbelieve the assertion therein. Besides, there is no positive averment by the petitioner that none of the options submitted by her was ever withdrawn. Therefore, the petition has been filed by concealing material facts.
5. In view thereof, there is no ground to entertain the petition.
6. Dismissed in *limine*.

(Tribhuvan Dahiya)
Judge

May 30, 2024
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No