



CWP- 15009-2024 (O&M)

-1-

110

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP- 15009-2024 (O&M)
Date of Decision: 28.08.2024

RADHEY SHYAM

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vikram Sheoran, Advocate
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* for quashing the order dated 12.06.2024, Annexure P-7, whereby the petitioner is stated to have been transferred from Fatehabad to Yamunanagar in the absence of any Online Transfer Drive, which is in violation of condition 12 of the letter of appointment dated 13.03.2024, Annexure P-4.

2. Learned counsel for the petitioner contends that as per condition 12, 'whenever the Department is to allot the district to an employee on the basis of merit through transfer drive/counselling, it would be mandatory for the selected candidates to participate therein'. Therefore, notifying the drive is mandatory. Although there was no transfer drive

**CWP- 15009-2024 (O&M)****-2-**

carried out by the respondents, the petitioner has been transferred to a far away district Yamunanagar, which is violative of the terms of appointment.

3. Learned State Counsel, on instructions, contends that the petitioner was selected as Primary Teacher (PRT) against advertisement no.2 of 2012 under BC-A category in the second selection list dated 04.08.2015, as his merit position was 8894-A. He was appointed vide letter dated 13.03.2024, and allotted district Fatehabad temporarily. After final decision of the petition challenging selection of PRTs, the Department initiated the drive to allot permanent districts to the selected/appointed candidates, and in continuation thereof, vide impugned order dated 12.06.2024, the petitioner was also allocated the district permanently by following due procedure, in accordance with merit and after considering the options submitted. Instructions, dated 28.08.2024, received from the third respondent in this regard are as follows:

It is pertinent to mention here that in compliance of order dated 02.06.2022 passed in CWP No. 14553/2021 Sandeep Kumar & Other Vs. State of Haryana and others, the department, on the basis of merit and category, permanent district to 9210 PRTs teachers have been allotted vide dated 18.10.2023. The petitioner could not be participated on that drive because he was not appointed on the post of PRT that time. The Department has taken option from candidates who were appointed after 18.10.2023, the option of district was given by the petitioner i.e. 1.FATEHABAD, 2.SIRSA, 3.HISSAR, 4.BHIWANI, 5.JIND, 6.ROHTAK, 7.KAITHAL, 8.CHARKHIDADRI, 9.JHAJJAR, 10.KURUKSHETRA, 11.GURUGRAM, 12.SONIPAT, 13.PANIPAT, 14.KARNAL, 15.AMBALA, 16.PANCHKULA, 17.REWARI,

18.MAHENDERGARH,19.YAMUNANAGAR, 20.PALWAL, 21.FARIDABAD.

The seniority of the petitioner for permanent district allocation is 11076 and the cut off seniority in BCA category of the candidates whom Permanent district were allotted on 18.10.2023 is as under:

Sr. No.	District	BCA	
		Cut off Merit No.	Cut off Merit points as per seniority
1.	AMBALA	5772-A	10039
2.	BHIWANI	4641	4651
3.	CHARKHIDADRI	4650	4660
4.	FARIDABAD	7674-A	10646
5.	FATEHABAD	5700	5710
6.	GURUGRAM	6467	6479
7.	HISAR	4279	4289
8.	JHAJJAR	4278	4288
9.	JIND	5173	5183
10.	KAITHAL	7374	7387
11.	KARNAL	5570-B	9987
12.	KURUKSHETRA	4858-A	9836
13.	MAHENDERGARH	4676	4686
14.	PALWAL	8866-A	11070
15.	PANCHKULA	7176	7188
16.	PANIPAT	7218	7230
17.	REWARI	4199	4209
18.	ROHTAK	4326	4336
19.	SIRSA	6937	6949
20.	SONIPAT	5276	5286
21.	YAMUNANAGAR	8862-A	11068

It is also pertinent to mention here that the vacancies in BCA category were left over only in District i.e. Palwal-139 and Yamunanagar-142, after allocation the 9210 candidates.

Keeping in view the above position, as the petitioner is lower in merit and no junior of him allocated district preferred by petitioner, so the petitioner has been allotted District Yamunanagar as per vacancy and option.

4. Heard.



CWP- 15009-2024 (O&M)

-4-

5. In view of the facts afore-mentioned, it is apparent that the petitioner was allocated district cadre Yamunanagar on permanent basis after following due procedure. Besides, there is no stipulation in condition 12 of the letter of appointment that only by way of an online transfer drive, allocation of cadre is to be made. Instead the condition is to the effect that whenever the Department allots the district permanently to employees through transfer drive/counselling, they have to participate compulsorily. The condition, accordingly, mandates the participation of employees and not any particular procedure to be followed for the purpose. So long as the procedure followed for allocation is fair and reasonable, as in this case, it will not call for interference by this Court.

6. Therefore, no ground to entertain the petition is made out.

7. Dismissed *in limine*.

28.08.2024

Seema

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*