



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

223

**LPA No.1563 of 2019 (O&M)
Date of Decision: 11.09.2024.**

State of Punjab & ors.

*.....Appellants.**Versus*

Indu Sharma and ors.

*.....Respondents***CORAM: HON'BLE MRS. JUSTICE LISA GILL****HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

Present: Mr. Rohit Ahuja, DAG, Punjab
for the appellants.

Mr. Divyansh Vats, Advocate for
Mr. H.S. Batth, Advocate for respondents.

LISA GILL, J (ORAL)

1 Prayer in this appeal is for setting aside order dated 14.02.2019, passed by learned Single Bench, whereby CWP No.23492 of 2016, filed by respondent no.1-writ petitioner was disposed of while taking note of the fact that writ petitioner during pendency of writ petition had joined and was working for the school to which she had sought transfer and the erstwhile school from where she sought transfer was shut down due to insufficient number of students. Operative part of impugned order dated 14.02.2019 reads as under:-

'6. Be that as it may, without expressing any opinion on merits of the rival contentions of learned counsel for the parties, it is directed that in the peculiar facts and circumstances of the case and keeping in view the statement of learned State counsel that earlier school where the petitioner was working, has been shut down, it is directed that the petitioner shall be deemed to be transferred to the school of respondent No.7 as per recommendation of District Education Officer contained in its letter dated 17.04.2014 (Annexure P-10). It is also made clear that since admittedly both the schools at the relevant



time, were government aided schools, therefore, the petitioner shall be entitled to her pay protection in accordance with law.'

2. Learned counsel for appellants further brings to our notice that COCP No.2364 of 2019, filed by writ petitioner also stands dismissed as infructuous as impugned order dated 14.02.2019 had been complied with. Learned counsel for appellants is unable to deny that in view of impugned order dated 14.02.2019 having been complied with and impugned order itself having been passed without expression of any opinion on the merits of the matter, any adjudication in the present proceedings shall be an academic exercise.

3 Learned counsel for appellants submits that the question involved was interpretation of Rule 9 of the Punjab Privately Managed Recognized School Employees (Security of Services) Rules 1981, i.e. as to whether it was only the same management which would be entitled to transfer an employee from one of its organizations (school) to another.

4 Appeal is accordingly disposed of as infructuous without expression of any opinion on the issue as raised which may be adjudicated upon in appropriate proceedings.

5 Pending miscellaneous application(s), if any, stands disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

11.09.2024
jyoti3

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