

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 111

Civil Writ Petition No.28267 of 2024**Date of Decision: November 11, 2024**Sunil Kumar

..... PETITIONER(S)

*VERSUS*State of Haryana & others

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**PRESENT:** - Mr. Ravinder Singh Dhull, Advocate, for the petitioner.**Tribhuvan Dahiya, J (Oral)**

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order, dated 05.06.2024, Annexure P-2, whereby the petitioner, who was engaged as Engineering Drawing Instructor on contractual basis was transferred from Government ITI, Barara, Ambala, to Government ITI, Bharanpur, Ambala; and also the order, dated 26.09.2024, Annexure P-6, whereby his request for adjustment against the post of Wireman Instructor in the ITI, Barara, has been rejected.

2. It is apparent on record that the petitioner was engaged on contractual basis as Engineering Drawing Instructor and joined as such on 04.05.2015.

3. It is contended that during service in the Institute, he was assigned additional charge as Wireman Instructor also, as he fulfilled the requisite qualification for the post. There is no justification for his transfer to ITI at Bharanpur since posts of Wireman Instructors are still lying vacant in the ITI at Barara, and the Principal vide letter dated 26.06.2024, Annexure P-4, has requested the Directorate to adjust him against the same.



4. A perusal of the impugned order shows, no post of Engineering Drawing Instructor is vacant in the ITI at Barara, and that is the reason the petitioner has been transferred/adjusted in another Institute. The order also mentions that the vacant posts of Wireman Instructor have already been advertised vide advertisement 12/2019, and selection process is going on. Therefore, it was not proper to adjust him against the same.
5. Further, there is no denial of the fact that only on account of no post of Engineering Drawing Instructor being vacant at ITI Barara, the petitioner has been adjusted as Instructor in another Institute. Merely because he was holding additional charge as Wireman Instructor against a post then vacant, it would not give him a right to seek *mandamus* for being allowed to continue against it as he has no right to hold the post, nor was he appointed against it.
6. In view thereof, there is no ground to entertain the petition.
7. Dismissed.

(Tribhuvan Dahiya)
Judge

November 11, 2024
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>