



CWP-34222-2024

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

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CWP-34222-2024

Date of Decision: 18.12.2024

Anup Kumar Poonia

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Anil Kumar Sharma, Advocate, and
Mr. Nishant Sharma, Advocate for the petitioner

Mr. Ravinder Singh Budhwar, Addl. AG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 29.10.2024, Annexure P-5, whereby the petitioner's claim for additional benefit in terms of Clause 11 of Teachers Transfer Policy, 2016 (amended in 2017), has been rejected.

2. Learned counsel contends that the claim has been rejected by considering the petitioner's case under unamended Clause 11 of the Policy. In terms of the amendment carried out vide memo dated 13.04.2022, Annexure P-8, any teacher who is willing to be posted in a school located in Nuh District, has not declared the district as home district, and has not completed class 10th or 12th from a school located in the district, will be entitled to benefit under Clause 11. Although the petitioner was posted in Nuh District in 2019 transfer drive, in the subsequent transfer drive carried out in 2022 he willingly opted to



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stay in Nuh District, despite belonging to Rest of Haryana cadre. Accordingly, he becomes entitled to the benefit under Clause 11 with effect from 13.04.2022.

3. Learned State counsel, appearing on advance notice, fairly contends that this aspect has not been gone into by the third respondent while rejecting the petitioner’s case. His case will now be re-considered by the third respondent/Director General, Department of Secondary Education, in the light of facts mentioned hereinabove, by passing a speaking/reasoned order in accordance with law within a period of six weeks of receiving a certified copy of the order.

4. In view of the statement made, learned counsel for the petitioner has no objection to the petition being disposed of in terms thereof.

5. Ordered accordingly.

6. In case the order is not passed within the stipulated period, the officer concerned shall pay costs of ₹50,000 to the petitioner.

(TRIBHUVAN DAHIYA)
JUDGE

18.12.2024
Payal

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