



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision: 17.02.2026

1. CWP-3166-2026(O&M)

RAJNESH KUMAR AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

2. CWP-3871-2026

SANDEEP

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Amit Khatkar, Advocate
for the petitioner(s).

Mr. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

CM-2469-CWP-2026 in CWP-3166-2026

For the reasons stated, the application is allowed. Additional details along with documents, Annexures P-14 to P-17, are taken on record, subject to just exceptions.

Main Cases

The aforementioned petitions are based upon similar facts involving common issues; accordingly, the same are being decided together.



2. For brevity, the facts have been noticed from CWP-3166-2026, which has been filed, *inter alia*, seeking a writ of *certiorari* quashing the schedule dated 04.12.2025, Annexure P-3, notified under the Teacher Transfer Policy, 2025 (for short, 'the 2025 Policy'), dated 28.11.2025, Annexure P-2, to the extent it does not provide one month time before initiation of online transfer drive. This is in violation of the Model Online Transfer Policy, dated 23.05.2025, Annexure P-1, issued by the Government of Haryana in exercise of powers under Articles 162 and 166 of the Constitution of India.

3. Learned counsel for the petitioner(s) contended that the petitioners are suffering from debilitating disorders and are entitled to extra points under the 2025 Policy. It requires teachers, their spouse, or unmarried son/daughter suffering from disease of debilitating disorders to submit certificate which is valid on the qualifying date and has been issued by a duly constituted Medical Board of AIIMS, PGI, Chandigarh/PGI Rohtak, Government Medical colleges situated in Haryana, Delhi or Chandigarh, to claim the points thereunder. The transfer drive was initiated in terms of this Policy and the impugned memo dated 04.12.2025 was issued. It required the teachers to update and validate personal and service profiles from 10.12.2025 to 18.12.2025. The qualifying date in terms of the schedule was 10.12.2025, and the teachers were required to get a certificate up to that date and further, to upload it between the period of eight days as aforementioned. Since the certificates were issued to the petitioners after 18.12.2025, the same were not considered valid. He further contended that the timeline was too short and could not have been reasonably complied with. In the earlier Teachers Transfer Policy, 2023 (for short, 'the 2023 Policy'), dated 09.08.2023, no such timeline was prescribed and thus, the petitioners, who were in possession of



old medical certificates, remained under the impression that the same would be admissible in terms of the 2025 Policy also. Accordingly, they uploaded the old certificates but their claim for extra points was rejected on the ground that the certificates were not in terms of requirements of the Policy. He has referred to clause 5(i)(b) of the Model Online Transfer Policy, 2025, dated 23.05.2025, which reflects that the detailed schedule of online transfer drive including cut-off dates should be issued well in advance, preferably atleast one month before the initiation of online transfer drive; it reads as under:

5. Procedure to be adopted

(i) Creation and Initiation of Transfer Drive

- a. The entire process is to be carried out through the "department's transfer application/module" which shall be integrated with HRMS.
- b. The detailed schedule of online transfer drive including tentative cut off dates for each of the steps will be decided with the approval of the competent authority, well in advance, preferably at least one month before the initiation of online transfer drive
- c. The competent authority will get the online transfer drive created and complete the process of updation of employee data (fetched from HRMS), within fifteen (15) days of creation of the drive.

The schedule in question was issued only six days prior to the qualifying date; accordingly, it is in violation of clause 5(i)(b).

3.1. He has also relied upon a letter dated 18.12.2025, Annexure P-13, whereby the Government as a onetime measure and taking a sympathetic view, decided to allow additional time up to 25.12.2025 to employees of various government Department covered under the said Policy, to obtain the requisite medical certificates as per clause 4(ii)(6) of the Model



Online Transfer Policy, and submit the same to their respective Checkers. Accordingly, it is also claimed that the petitioners are entitled to relaxation to submit their certificates.

4. By referring to the instructions received from the Department on 13.02.2026 [retained on the case file as Annexure 'A'], learned State counsel contended that Special Medical Boards were constituted for issuance of medical certificates to the teachers who required such certificates to claim points for debilitating disorders being suffered by them, their spouse or unmarried son/daughter. More than nineteen hundred such certificates issued to the teachers were considered valid, and they were given points on that basis in the drive. She has referred to the following paragraphs of the instructions in this regard:

Further, due to the complaints regarding the authenticity of the medical certificate issued by the Civil Surgeons of the respective districts, the respondent Department vide letter dated 04.12.2025 has written to W/ACSE, Health Department, Chandigarh to form Special Medical Board for preparation of Medical Certificates of Teachers of Govt. schools, so as to enable them to claim marks during Teacher Transfer Drive, 2025. In compliance of the letter dated 04.12.2025, Medical Board comprising of Medical Superintendent as Nodal Officers was formed in all Govt/Govt Aided Medical Colleges of the state by the Director Medical Education & Research, Haryana, Panchkula vide letter dated 05.12.2025.

On the other hand, it was mentioned at provision No 5 of Model Online Transfer Policy that "the detailed schedule of online transfer drive including tentative cut off dates for each of the steps will be decided with the approval of Competent Authority, well in advance, preferably at least one month before the initiation of online transfer drive." Model Online Transfer



policy governing the transfers was issued by the State Government for the first time in the year 2025. Thus, the State Government has taken logical decision to provide one month time to the employees.

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It is pertinent to mention here that extra marks have been granted for 1909 valid medical certificates issued by the duly constituted Medical Board. It is clear that the present petitioners have not approached the Medical board well in time. By suppressing this fact, they are now claiming marks for outdated Medical certificates. The Teacher Transfer Policy, 2025 is equally applicable to all categories of teachers and Headmasters of School Education Department.

She also contended that in terms of clause 2(i) of the Model Online Transfer Policy, 2025, the Education Department was excluded from its purview vide a separate notification dated 28.11.2025. Accordingly, a separate Teachers Transfer Policy, dated 28.11.2025, was issued by the Department, and as per procedure prescribed under clause 5 thereof, there is no requirement of giving one month advance notice before initiation of the drive. The clause reads as under:

5. PROCEDURE TO BE ADOPTED:

(i) Creation and Initiation of Transfer Drive

- a. The General Transfer Drive shall be carried out through the approved MIS Portal.
- b. The Department will carry out the exercise of Rationalisation of posts, if required.
- c. The Department will publish the Schedule of General Transfer Drive comprising the timelines, cut-off date, qualifying date and Instructions to be followed during the General Transfer Drive.



She further contends that there is no justification either for providing one month advance notice, since this is not the first time that the online transfer drive has been initiated in the Education Department. The teachers have been participating in the drive since 2016, and have been regularly maintaining the Human Resource Management System (HRMS) portal on which their details, including medical certificates, are regularly updated.

5. Heard.

6. As apparent on record, the Department has issued its own Online Transfer Policy - the 2025 Policy, as it stands excluded from the purview of Model Online Transfer Policy in terms of notification dated 28.11.2025. And as per the procedure laid down therein for considering the applications, there is no requirement of one month advance notice before initiating the transfer drive. It is also a fact not disputed that the Department has carried out earlier online transfer drives on the basis of data uploaded by teachers on their HRMS portal, which is being regularly maintained and updated by them. The petitioners herein are also similar to those teachers and are expected to keep their portal updated for availing the benefits, if any, which they have not. Besides, they have not been able to show that pursuant to issuance of the impugned memo dated 04.12.2025, notifying the schedule for transfer drive, any application for getting the requisite medical certificate was made by them between the date of notification of the schedule and the qualifying date/10.12.2025. Had this been the case, and they had not been issued the certificate within time due to any lapse on the part of the authorities, the petitioner could have had a valid reason to approach the Court.

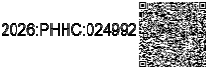
But concededly, they not only failed to update their HRMS portal, but also did not take any step to get the requisite medical certificate issued in terms of the



schedule for transfer drive. Therefore they lack *bona fides* and have filed the petition just as an afterthought. Merely because they were under an impression that the old certificates possessed by them would be accepted under the new Policy as well, it cannot be a ground to challenge the impugned schedule.

6.1. As the 2023 Policy, relied upon by learned counsel for the petitioner to challenge the schedule, already stands repealed and replaced by the Model Online Transfer Policy, dated 23.05.2025, no benefit can be claimed based thereupon. Further, in case on sympathetic considerations the Government allowed additional time up to 25.12.2025 to employees of some other department to obtain the requisite medical certificates vide letter dated 18.12.2025, that in itself cannot be a ground to challenge the impugned schedule, nor can clauses of the Policy be termed arbitrary on that account. The relaxation was confined to the department concerned, and it has not been explained by learned counsel for the petitioner what were the reasons for giving the relaxation and how could the petitioners claim parity with them.

6.2. Still further, the next ground of challenge that the impugned schedule being at variance with the Model policy cannot be given effect to, is also without substance. The procedure laid down for transfer drives under the Policy in question, dated 28.11.2025, is not the same as laid down in the Model Online Transfer Policy, dated 23.05.2025. More particularly, a separate method for employees' data verification and authentication has been laid down under clause 5(ii), which is not contemplated under the Model Policy. The two policies are distinct, and lay down different procedures. The one prescribed under the Model Policy cannot be insisted upon and claimed by the petitioners as a matter of right, nor can a provision of the Departmental Policy



be challenged on that basis, as the Department stands excluded from implementing the Model Policy for it’s employees, and is not under an obligation to frame it’s policy in line therewith.

- 7. In view thereof, there is no merit in these petitions and the same stand dismissed.
- 8. A photocopy of this order be placed on the connected file.

(TRIBHUVAN DAHIYA)
JUDGE

17.02.2026
Ad

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