



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

Sr. No.128

CWP No.9744 of 2026

Date of Decision: 01.04.2026

Parmod Choudhary and others

.... Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Vikram Sheoran, Advocate,
Ms. Alka Sheoran, Advocate, and
Ms. Sandeep Kaur, Advocate, for the petitioners.

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

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the Teacher Transfer Policy, 2025, Annexure P-2, framed for the Department of School Education, on the ground that it is arbitrary and discriminatory against the Guest Teachers who have not been treated at par with regular teachers in the Department.

2. Learned counsel for the petitioners contended that in terms of the procedure to be adopted for transfer laid down in clause 5 of the Policy, the regular PGT/ C&V/ TGT/ HT/ PRT Teachers have been given preference over the guest PGT/ C&V/ TGT/ HT/ PRT Teachers. This is discriminatory as the guest teachers, like the petitioners, are working permanently after having been given protection of tenure under the Haryana Guest Teachers Service Act, 2019 (for short, 'the 2019 Act. Also, they are performing similar duties and functions as are being performed by regular teachers.



Therefore, they should be allowed to participate in the transfer drive on equal footings.

3. Learned State counsel contends that the issue is no longer *res integra* as this Court in CWP No.24604 of 2019 titled *Naresh Kumar and others v. State of Haryana and another*, and connected matters, has already held that Guest Teachers cannot be considered equal to regular faculty under the School Education Department for the purpose of transfer. And the impugned policy has been framed giving preference to the regular faculty over guest teachers keeping in view the law laid down.

4. Considering the submissions, this Court is not inclined to entertain the petition on the ground that the issue has already been settled by this Court in *Naresh Kumar* case *ibid.*, holding as under:

In the present petition at the first instance, it has to be seen whether, the Guest Faculty Lecturer, who are working in the State of Haryana, are entitled to invoke the jurisdiction of this Court for challenging the transfer policy, which is primarily effecting the transfer of regular employees, who are working within the State of Haryana against the regular sanctioned posts/vacancies. The guest teachers, are only supplementing the strength temporarily without there being any right to occupy a cadre post. The respondent-State has framed the Haryana Guest Teacher Service Act, 2019 to regulate the condition of service of the guest faculty lecturers. The position with regard to the status of the guest faculty lecturer is clear from the said Act as per which they are temporarily supplementing the requirement till the posts are filled on regular basis, meaning thereby that the guest faculty lecturers are only a stop gap arrangement and cannot be treated as part of a regular strength of the cadre in which they are working.

A Coordinate Bench of this Court in CWP No.17240 of 2016 titled as *Anand Kumar versus State of Haryana and others*, decided on 10.11.2017 has given a direction that the posts held by Guest/ Faculty Teachers are to be treated as vacant posts for



effecting transfer of the regular employees. In the light of the same, the stipulation in the transfer policy that the posts occupied by the Guest Faculty Lecturers are to be treated as vacant for effecting transfer cannot be faulted with which is rather in compliance of a direction given by this Court and therefore the plea of the petitioner that the posts held by Guest Faculty Lecturer not be treated as vacant post, is denied.

The second argument of the learned Senior counsel for the petitioners is that the petitioners, who are working as Guest Faculty Lecturers should be treated at par with the regular employees for effecting transfers and the Guest Faculty Lecturers should not only be accommodated on the posts which remain vacant after adjusting all the regular employees and they be considered for transfer on equal footing, the same cannot be accepted on the ground that the petitioners are trying to claim parity with regular employees, which is not permissible.

Keeping in view the status of a guest faculty lecturer, there is a no parity between the guest faculty lecturers and a regular employee, hence, the prayer of the petitioners that they should be treated at par with the regular lecturers for effecting the general transfer, cannot be accepted. The regular employee has a preferential right to claim transfer under the transfer policy and the guest faculty lecturer, who is working only as a stop gap arrangement and is to hold the post till the regular incumbent joins, hence, Guest Lecturer cannot claim parity with a regular employee.

In case the prayer of the petitioners is accepted that they should be treated at par with regular employees for effecting transfers, then the situation can arise where Guest Faculty Lecturers, who are working as stop gap arrangement will be dislodging the regular employees from the post on which they are working by way of transfer, which is not permissible. A regular employee is on higher footing as compared to Guest Faculty Lecturers, who are only working due to the fact that there is a shortage of regular employees in the department.

Further, this Court has already held by passing order in Anand Kumar's case (supra) that even the post which a guest



faculty lecturer is holding is to be treated as a deemed vacancy which makes it clear that the guest faculty lecturers cannot claim preference even to hold a post on which they are working and the regular employee can claim transfer on the said post if eligible under the transfer policy. Once, a finding has already been recorded qua the said fact by this Court, the prayer of the present petition claiming parity with the regular employee cannot be granted.

It is not the case that the guest faculty lecturers have not been given option for transfer but the same has only been limited to the post which remain vacant after effecting the general transfer in respect of the regular employees, hence, no grievance can be raised by the petitioners in this regard keeping in view their status qua regular incumbent.

It shows the issue of parity between guest and regular teachers with reference to identical provision in an earlier transfer policy of School Education Department has already been considered, and decided against the petitioners. Further, despite the petitioners/guest teachers having been given protection of tenure in terms of the 2019 Act, their status remains that of guest teachers only.

5. In view thereof, finding no merit in the petition, it stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

01.04.2026
Maninder

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