

ਦਫਤਰ ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਐ.ਸਿੱ), ਪੰਜਾਬ

ਵੱਲ

ਸਮੂਹ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਐ.ਸਿ),
ਪੰਜਾਬ।

ਸੀਐਮ ਨੰ: 8/3-2020ਸੇਪ੍ਰ(4)/76

ਮਿਤੀ: 15.01.2020

ਵਿਸ਼ਾ:- ਹੈੱਡ ਟੀਚਰਾਂ ਦੀ ਰੈਸ਼ਨੇਲਾਈਜੇਸ਼ਨ ਸਬੰਧੀ।

ਹਵਾਲਾ: ਇਸ ਦਫਤਰ ਦੇ ਹੁਕਮ ਨੰ: **DySPD (PEDB)/2019/435215**, ਮਿਤੀ
23.12.2019

- 1.0 ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿੱਚ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਹਵਾਲੇ ਅਧੀਨ ਰਾਹੀਂ ਇਸ ਦਫਤਰ ਵਲੋਂ ਪ੍ਰਾਇਮਰੀ ਸਕੂਲਾਂ ਵਿੱਚ ਰੈਸ਼ਨੇਲਾਈਜੇਸ਼ਨ ਦੇ ਹੁਕਮ ਜਾਰੀ ਕੀਤੇ ਸਨ।
- 2.0 ਮਾਨਯੋਗ ਪੰਜਾਬ ਅਤੇ ਹਰਿਆਣਾ ਹਾਈ ਕੋਰਟ ਵਿਖੇ ਦਾਇਰ CWP-3,7,8 & 22-2020 ਵਿੱਚ ਮਿਤੀ 03.01.2020 ਅਤੇ CWP-119 of 2020 ਵਿੱਚ ਮਿਤੀ 07.01.2020 ਦੇ ਹੁਕਮ ਨਾਲ ਨੱਥੀ ਕੀਤੇ ਜਾਂਦੇ ਹਨ ਅਤੇ ਆਪ ਨੂੰ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਇਹਨਾਂ ਹੁਕਮਾਂ ਦੀ ਇੰਨ ਬਿੰਨ ਪਾਲਣਾ ਕੀਤੀ ਜਾਵੇ।


ਡਾਇਰੈਕਟਰ ਸਿੱਖਿਆ ਵਿਭਾਗ (ਐ.ਸਿੱ), ਪੰਜਾਬ।

ਨਾਲ ਨੱਥੀ: ਉਕਤ ਅਨੁਸਾਰ।

Civil Writ Petition No.119 of 2020

Bhupinder Singh Vs. State of Punjab and others

Present: Mr. H. C. Arora, Advocate,
for the petitioner.

It is the contention of learned counsel for the petitioner that the respondents are not even following their own policy of rationalization as the petitioner who was working in Government Primary School, Reeth Kheri, District Patiala has been transferred to Government Primary School, Gobindpura Paind, District Patiala vide impugned order dated 23.12.2019 (Annexure P-3). The strength of the students in the existing school is 62 as per Annexure P-4 dated 27.12.2019. The petitioner, therefore, was not liable to be transferred even as per the policy of the Government and, thus, the transfer order dated 23.12.2019 (Annexure P-3) is unsustainable.

Notice of motion.

At the asking of the Court, Ms. Monica Chhibber Sharma, Senior Deputy Advocate General, Punjab, accepts notice on behalf of the respondents. Let three copies of the writ petition be handed over to the State counsel during the course of the day under proper receipt from her.

Counsel for the State has informed the Court that transfer order dated 23.12.2019 (Annexure P-3) has itself been stayed by this Court in Civil Writ Petition No.3 of 2020 (Sukhwinder Singh and others Vs. State of Punjab and others), which is now listed for hearing on 10.01.2020.

In the light of the above, no fresh orders regarding stay of the transfer of the petitioner is required to be passed. However, it is clarified that the effect of the stay order passed by this Court in Sukhwinder

Civil Writ Petition No.119 of 2020

:{ 2 }:

Singh's case (supra) is that all transfers in pursuance thereof shall have no operation and the employees/Head Teachers so transferred, including the petitioner, shall continue at the original place of their posting.

List on **10.01.2020**.

To be listed for hearing alongwith Civil Writ Petition No.3 of 2020.

January 07, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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

120 to 122 & 133

CWP-3, 7, 8 & 22-2020

Sukhwinder Singh & others Vs. State of Punjab & others

Present: Mr. Ish Puneet Singh, Advocate
Mr. Ramandeep Singh, Advocate
Mr. K.K. Thakur, Advocate
Mr. R.S. Joon, Advocate, for the petitioners.

Inter alia challenges the transfer orders dated 23.12.2019 (Annexure P-7) whereby 485 Head Teachers have been transferred, on the ground that they are in violation of the Teachers Transfer Policy dated 25.06.2019 (Annexure P-2) read with the rationalization policy for primary schools, dated 16.09.2019 (Annexure P-3).

It is pointed out that as per Clause 1 of the said rationalization policy, the strength of the students is to be considered as on 31st August of every year and as per clause 9, the rationalization of the posts of the teachers is to be done every year from 1st December to 31st December. Clause 4 (ii) (b) of the transfer policy (Annexure P-2) provides that notification of actual vacancies will be done from 1st January to 15th January every year and under Clause (c) the eligible teachers will submit their choice of schools online, from 15th January to 15th February, every year. Similarly, as per Clause (d), the transfer orders will be issued in the second week of March, every year and the joining will be in the first week of April.

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

120 to 122 & 133

-2-

It is submitted that firstly, the cut-off date of 31st August has been wrongly changed to 08.12.2019, vide communication dated 28.11.2019 (Annexure P-4) without any basis. Options were called for on 15.12.2019 (Annexure P-5) to give station preference till 17.12.2019, which was put on the website without proper circulation. Similarly, vide communication dated 20.12.2019 (Annexure P-6), options were again called for from 20.12.2019 till 22.12.2019, which was spilling over the weekend and the period prescribed was lessor than as per the transfer policy. Resultantly, posting orders were issued in mid-session, frustrating the whole purpose of the transfer policy. It is, accordingly, submitted that teachers' evaluation is to be done on the basis of the result of the children and their performance has to be assessed, accordingly. Secondly, children would be affected as the transfers have been made halfway through the academic session. It is, thus, contended that once there is violation of the policy issued by the State, the transfers are liable to be set aside.

Notice of motion for 10.01.2020.

Ms. Bhavna Gupta, DAG, Punjab accepts notice on behalf of the State. Copies of the paperbooks have been supplied to her.

In the meantime, operation of the transfer orders dated 23.12.2019 shall remain stayed till the next date of hearing.

Photocopy of this order be placed on the record of each connected case.

03.01.2020
sailsh

(G.S. SANDHAWALIA)
JUDGE