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**(2010) 03 P&H CK 0289**  
**In the Punjab And Haryana At Chandigarh**

Harpreet Kaur and Others

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

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**Date of Decision :** 12-03-2010

**Acts Referred:**

**Citation :** (2010) 03 P&H CK 0289

**Hon'ble Judges :** Surya Kant, J;Sham Sunder, J

**Bench :** Division Bench

**Final Decision :** Allowed

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### Judgement

Surya Kant, J.—This order shall dispose of CWP No. 2873, 3115, 3196, 3220, 3294, 3457, 3485, 3520, 3562, 3689, 3758, 3836, 3958, 4087, 4159, 4174, 4187, 4735, 5093, 5110, 5129, 5135, 5240, 5336, 7642, 7677, 8851, 11771, 12570, 14285, 15588 of 2009; CWP No. 349 of 2010 as common questions of law and facts are involved in these cases/applications. Petitioners in all these writ petitions are employed as ETT teachers in the Education Department, Government of Punjab. For brevity, the facts are being extracted from CWP No. 2873 of 2009.

2. The petitioners are ETT teachers who have been appointed pursuant to the advertisement issued in the year 2006. Vide order dated 17.02.2009, the competent authority under the Punjab Panchayati Raj Primary Teachers (Recruitment & Conditions of Service) Rules 2006 (in short, "the Rules"), has transferred them on their requests from the original District(s) of their appointment to another district(s). These transfer orders have been passed in exercise of the powers conferred by Rule 11(2) of the Rules, which reads as follows:

11. Criteria for appointments and transfer -

xxx xxx xxx xxx xxx

xxx xxx xxx xxx xxx

(2) No appointment shall be made from outside the district. No transfer shall be made, except in the following circumstances, namely:

(a) on promotion against vacancy within district;

(b) in case of marriage, against vacancy; and

(c) within the block, in case sanctioned teacher strength in the school is revised as per the norm of Government.

3. The above-stated transfer order has, however, been cancelled by the respondents and rightly so in compliance to the ad interim directions issued by this Court vide order dated 18.10.2007 passed in CWP No. 16301 of 2007 (Baljinder Kaur and Ors. v. State of Punjab and Ors.) whereby, the respondents were directed not to give effect to any inter-district transfers.

4. Suffice it to observe that the above-mentioned transfer orders were issued by the respondent-Zila Parishads after passing of the above-mentioned interim order dated 18.10.2007.

5. Vide a separate order of even date passed in Baljinder Kaur and Ors. v. State of Punjab and Ors. CWP No. 16301 of 2007 we have modified the ad interim stay order dated October 18, 2007 to the extent that the inter-district transfer(s) have now been permitted except that in district SAS Nagar Mohali, the Zila Parishad concerned has been directed to keep 14 posts of ETT/JBT Teachers vacant for the writ-petitioners of the above-stated case.

6. Learned State counsel as well as the learned Counsel representing the Zila Parishads fairly concede that in view of the modification carried out in the order dated 18.10.2007 *ibid*, the very basis of cancellation of the impugned transfer order in the case in hand has disappeared.

7. For the reasons afore-stated, the writ petition is hereby allowed; the impugned order dated 17.02.2009 (Annexure P3) cancelling the petitioner's transfer from one district to inter-district, provided that the same is strictly in accordance with Rule 11 of the Rules, is hereby set aside and the original transfer order(s) is restored. Let the needful be done immediately.

8. Ordered accordingly.

9. Dasti.