

(2013) 05 P&H CK 0099

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 8132 of 2013 (O and M)

Ramesh Chander

APPELLANT

Vs

State of Haryana and Another

RESPONDENT

Date of Decision : 22-05-2013

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 226

Citation : (2013) 171 PLR 238

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Ashok Giri, for the Appellant;

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J.—The petitioner, who is a C&V Teacher (Sanskrit) under the State Education Department, Haryana has filed the instant writ petition impugning clause 10 contained in an Inter District Transfer Policy dated 12.12.2012 issued by the Director, Elementary Education, State of Haryana. Learned counsel appearing for the petitioner would submit that the petitioner is currently serving in a Govt. Middle School in district Jind. The wife of the petitioner is working as a Librarian and is posted at Rajiv Gandhi Panchayati Raj & State Community Development Centre, Nilokheri, Distt. Karnal. Counsel submits that the job of the wife of the petitioner is non-transferable.

2. Clause 10 of the Inter District Transfer Policy dated 12.12.2012, which is a subject matter of challenge in the present writ petition reads in the following terms:-

10. All such female JBT/C&V teachers who seek their transfer in the district where their husbands are working in State Cadre posts of State/Centre Govt./ Local Bodies and boy corporate.

3. The precise submission raised by the counsel is that the benefit of inter district transfer in the light of Clause 10 has been restricted only to female J.B.T/C&V

teachers, who seek their transfer in the district, where their husbands are working in State Cadre posts of State/Centre, Govt./Local Bodies and Bodies Corporate. Counsel would vehemently argue that prior to issuance of the Transfer Policy dated 12.12.2012 such benefit was available to teachers across the board without making any distinction between male and female employees. Counsel raises a plea of discrimination and submits that the action of the respondent-authorities while restricting the benefit of transfer under the impugned Clause 10 of the Policy dated 12.12.2012 only on the basis of gender and such benefit having been limited to female J.B.T/C&V Teachers would be arbitrary and violative of Articles 14 and 16 of the Constitution of India. Having heard learned counsel for the petitioner at length, I am of the considered view that no basis for interference in such matters is called for. This is precisely for two reasons. Firstly, a transfer policy is to be construed as mere guideline for the State Govt. to keep in mind while issuing orders of transfer. The conditions and stipulations contained in a transfer policy do not have any statutory force. Accordingly, the stipulations contained in a transfer policy do not vest any enforceable right in an employee. Secondly, the issue of formulating an Inter District Transfer Policy as has been done in the facts of the present case in the light of memo dated 12.12.2012 issued by the Director, Elementary Education, Haryana would lie strictly within the domain of the Executive and pertains to policy making. It would not be within the scope of interference of this Court while exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India.

I find no merit in the present writ petition and the same is, accordingly, dismissed. Petition dismissed.