

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA**

Order No. 17/41-2022 ESHM (2)

Dated Panchkula the, 29-9-22

Whereas, the present CWP No. 19783 of 2022 Anita Rani Vs. State of Haryana & Others for quashing the impugned transfer order dated 28.08.2022 (P-2) vide which the petitioner has been transferred against the Teachers Transfer Policy issued by the department itself for the purpose forcing the petitioner to fill up choices of stations online by opening her portal every time in drive on one pretext or the other.

The said writ petition was tagged with CWP No.19544 of 2022 and other connected cases and came up for hearing before the Hon'ble High Court on 05.09.2022 wherein a common order was passed by Hon'ble Court. The operative part of the order is reproduced as under:-

*“Keeping in view the above, the present petitions are disposed off having been not pressed any further.*

*It is directed that the respondents will abide by the undertaking as recorded hereinabove and further till the representation(s) are decided by the respondent-department, in case the petitioners have not been relieved so far, they be allowed to continue at their present place of posting so that in case claim of the petitioner(s) is accepted by the respondents, they do not suffer harassment or prejudice. It is made clear that in case claim of the petitioner(s) is not accepted by the respondents, the petitioners will be bound to comply with the order of transfer so as to join at their new place of posting.*

*In case, after the decision of the respondents, the petitioner(s) feel aggrieved, they will be at liberty to avail an appropriate remedy available with them for the redressal of their grievance”.*

In the compliance of above said direction, the case of the claimant i.e. Smt. Anita Rani has been examined carefully and it has been found that the claimant has claimed for quashing transfer order dated 28.08.2022 (Annexure P-2) as she is being transferred every time against the Transfer Policy.

In view of the context explained above, it is worthwhile to submit here that the

term and conditions of the promotional order dated 24.08.2019 it was clearly mention that the **official concerned are directed to participate in upcoming Transfer Drive for their regular posting on promoted post.** Hence, it was compulsory for the claimant to participate in the said transfer drive for regular posting.

Further, it is relevant to mentioned here that the Government of Haryana framed Teachers Transfer Policy dated 29.06.2016 and the same was amended in the year of 2017, 2020 and 2021. Transfers were made under this Teacher's Transfer Policy as amended from time to time to ensure equitable, demand based distribution of teachers/heads to protect academic interests of students and optimize job satisfaction amongst its employees in a fair and transparent manner. Following categories teachers have been asked to participate in transfer drive compulsorily:-

*Post of any cadre held by a teacher previously or presently in the school education department in a regular capacity for a period of 5 years or more on the qualifying date in present zone of posting, shall be taken as a deemed vacancy and such teacher shall compulsorily participate in the transfer drive.*

*Teachers declared surplus from a station as a part of rationalization shall also compulsorily in the transfer drive.*

*Teachers who have been given temporary manual posting previously due to non-availability of online transfer drive or technical problem or compulsion of administrative or litigational nature.*

The employee who were manually adjusted due to various reasons between the time period of two general transfer drives are liable to be compulsorily participate in the next drive and the same has been provided in the un-amended Policy of 2017 itself at Para 2 clause 8(i)b(i) which is reproduced as under:-

**b) Deemed Vacancy:**

*(i) Involuntary deemed vacancy: A post of any cadre (whether teaching or non-teaching), held by a teacher previously or presently in the school education department in a regular capacity for a period of five years or more on the qualifying date in present zone of posting; or*

*A post occupied by a teacher given temporary manual posting due to non-availability of online transfer drive or technical problems or compulsions of administrative or litigational nature.*

corrigendum was issued only to revive the original policy. Relevant portion of the same is reproduced as follow:-

***“Involuntary deemed vacancy: A post of any cadre (whether teaching or non-teaching), held by a teacher previously or presently in the School Education Department in a regular capacity for a period of five years of more on the qualifying date in the present zone of posting; or***

***A post occupied by a teacher given temporary manual posting due to non-availability of online transfer drive or technical problems or compulsion of administrative or litigational nature or on new appointment or on promotion or otherwise.”***

It is further clarified vide order dated 16.07.2021/06.09.2021 in interpretation of clauses of Teacher Transfer Policy which is as follows:-

***“any posting updated manually between two General Transfer drives would be the criteria to identify a teacher for forceful participation in the GTD (General Transfer Drive)”.***

It is further clarified that, Clause 6 – Basic Principles of the Transfer Policy initiate with the words, “the option once availed and confirmed shall be final and can be changed only under the provisions of this policy” meaning thereby the candidate has to give the options and the same is to be confirmed by the Department, only then he shall be eligible to get the benefit of stay of 5 years. It is germane to mention here that in manual posting neither the option was given by the employee nor the same was confirmed by the department, therefore he was not entitled to get the benefit of the stay of Five years in that particular Zone. Therefore, there is no conflict of clause 8(i) b(i) with the clause 6 of the Basic Principles of the Teacher Transfer Policy.

Keeping in view the matter explained above, the case of the claimant has been examined and it has been found that she is not entitled for the benefit of not participating mandatorily in upcoming Transfer as the Claimant was promoted on the post Elementary School Head Master on 24.08.2019 from the post Science Teacher and temporarily adjusted (not transfer) at the station GMS Puranpura on 26.04.2021 as well as it is specifically mentioned in terms and condition of promotion order dated 24.08.2019 that to participate in upcoming transfer drive for regular posting as Elementary School Head Master. Hence, the claim of the Claimant is not maintainable and hereby rejected in above terms.

**Regd.**

To

1. Smt. Anita Rani [048227], ESHM, aged about 50 years, W/o. Sh. Dharamvir Singh, posted at GMS Purnpura (5701) Distt. Bhiwani now posted at GMS Gobindpura (5719) Distt. Bhiwani, resident of Saraswati Marg, Vidya Nagar, Distt. Bhiwani. Haryana.

Endst. No.: Even

Dated Panchkula the, 30 - 9 - 22

A copy of this order is forwarded to following for information and necessary action:

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Bhiwani.
3. Sh. Manoj Chahal, Room No. 1, New Bar Complex, High Court, Chandigarh.
4. IT Cell. To upload the Order on website.

*Sh. K. K. K.*  
**Superintendent ESHM**  
**for Director Elementary Education**  
**Haryana, Panchkula 20.09.2022**

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA**

Order No. 17/47-2022 ESHM (2)

Dated Panchkula the, 29-9-22

Whereas, the present CWP No. 20771 of 2022 Lila Ram Vs. State of Haryana & Others for quashing the impugned transfer orders dated 28.08.2022, Annexure P-1, being not only out of cadre transfer but the same is also contrary to the instructions/clarifications dated 13.8.2022 and 29.08.2022 Annexure P-9 and P-11 respectively besides in violation of the judgment/orders dated 25.8.2022 and 31.08.2022 Annexure P-12 and P-13, respectively, passed by this Hon'ble Court and a Writ in the nature of Mandamus, the impugned action of the respondent nos. 1 & 2 be held as violative of principles of natural justice especially in view of the fact that the petitioner was denied 5 points for his 100% results (Annexure P-3) and at the same time a very large number of ESHM/TGTs/C&Vs, forming the same cadre, have been given the choice schools/stations vide the orders dated 9.9.2022, Annexure P-6, without opening the stations/schools in the Rest of Haryana Cadre, to which the petitioner belongs thereby denying equal opportunity to the petitioner, in the name of alleged rationalization and allowing other ESHM/TGTs/C&Vs options/schools of their choices, and further also the reason the clarification dated 29.8.2022, Annexure P-11 is too after the concluding of Transfer Drive and was not the part/clarified while issuing instructions dated 13.8.2022, Annexure P-9.

Further again an ad-interim order or direction, the respondent nos. 1 & 2 be directed to revert the transfer of the petitioner to the school, respondent no. 5, with a further direction to allow the petitioner to join the School, respondent no. 5, during the pendency of the present writ petition and in the interest of justice.

The said petition came up for hearing before the Hon'ble High Court on 13.09.2022 and the following direction was issued:-

*"Learned counsel for the petitioner argues that in the present case, the petitioner has been transferred outside his cadre which transfer is totally arbitrary and illegal as no employee can be transferred outside their cadre.*

*Learned counsel for the petitioner further argues that the petitioner belongs to the cadre of "rest of Haryana" whereas, vide the impugned order dated 28.08.2022 (Annexure P-1) the petitioner has been transferred to Mewat cadre which is impermissible.*

*Notice of motion.*

*Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the respondent-State and submits that in case, the petitioner has any grievance qua the transfer, he can approach the competent authorities by filing appropriate representation within a period of two days from today or in case, any such representation raising the said grievance has already been filed by the petitioner, the same shall be decided within a period of 10 days thereafter by passing an*



*appropriate speaking order. In case, the petitioner has not been relieved till today from the present place of posting then he will be allowed to continue at the present place of posting till the decision of the said representation in case, the same is filed and in case, the petitioner has already been relieved from the present place of posting, he will not be forced to join at the new place of posting till the decision of the representation so filed by the petitioner.*

*Learned counsel for the petitioner submits that keeping in view the statement of the learned State counsel, the present petition may kindly be disposed of as having been not pressed any further with liberty to the petitioner to approach the respondents by filing appropriate representation raising the grievance as raised in the present petition.*

**Ordered accordingly."**

In the compliance of above said direction, the case of the claimant i.e. Sh. Lila Ram has been examined carefully and it has been found that the claimant has claimed for 5 points under the head of Well Performance Teacher as per Clause 7 (iii)(b)(9) of Transfer Policy for good result in last board examination of academic year 2012-13.

It is pertinent to mention here that the claimant was promoted on the post of Elementary School Head Master vide order dated 13.06.2013 and he is working as Elementary School Head Master at Government Middle School Azmabad Mokhuta (3858) since 15.12.2015.

That as per the para 7 (iii)(b)(9) of Teacher Transfer Policy, 2016 teacher giving good results in the last 5 board exams shall be entitled for the points accordingly. However, doubt arose as to whether a teacher who taught a board class in the year 2012-13 and thereafter did not get chance to teach a board class, would be entitled to the points of academic performance or not. In order to clear the doubt a clarification was sought from the competent authority where in on dated 16.07.2021 it had been clarified that the teachers will be entitled to the points on the basis of latest results of board classes taught by him/her out of the previous five academic sessions only provided the result is updated and approved by the Competent Authority on personal profile of the employee on MIS portal.

Hence, claimant is not eligible for awarding 5 points under the head of Well Performance Teacher as per Clause 7 (iii) (b) (9) of Transfer Policy for good result in board examination i.e. academic session 2012-13. The claimant was assigned board class i.e. 10th class in the academic session 2012-13 and thereafter he was never assigned board class in entire tenure. The teacher is entitled for 5 point under the head of well performance for good result in last 5 academic sessions only (2017-18 to 2021-22) whereas the claimant is claiming for 5 points for session 2012-13 for good result in 9 years ago academic sessions which cannot be considered as per the policy and that will not make the claimant eligible for benefit of 5 point.

In the context explained above, the case of the claimant in the representation (Annexure P-5 dated 04.09.2022 has been examined and it has been found that the claimant is not eligible for 5 points under the head of well performance teacher as per Clause 7 (iii) (b) (9) of Transfer Policy for good result in last board examination i.e. session 2012-2013 On the basis of present circumstances, the claim of the claimant has been rejected in above terms.

I order accordingly.

9/29/9/22

(Anshaj Singh)  
Director Elementary Education,  
Haryana, Panchkula.

Regd.

To

1. Sh. Lila Ram [061077], ESHM, aged about 47 years, S/o. Sh. Hari Singh, posted at Government Middle School Jafrabad (6138), District Nuh Mewat, resident of Village Thanwas, Distt. Mahendergarh. Haryana.

Endst. No.: Even

Dated Panchkula the,

30-9-22

A copy of this order is forwarded to following for information and necessary action:

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Nuh Mewat.
3. Sh. G.S. Gopera, Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.

Sh. K. K.  
Superintendent ESHM  
for Director Elementary Education  
Haryana, Panchkula 21.09.2021

## DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 17/46-2022 ESHM (2)

Dated Panchkula the, 29-9-22

Whereas, the present CWP No. 21074 of 2022 Hari Krisan Vs. Director of Elementary Education Haryana and others for issuance of writ in the nature of Certiorari for quashing the impugned transfer order dated 28.8.2022 [Annexure P-3] qua petitioner whereby he is transferred to Govt. Sr. Sec. School Agon [818] by ignoring his 1st preference of Govt Sr. Sec School Ahmadbass [6554] inspite having maximum points i.e. 72.664 and respondent by ignoring him posted private respondent no.3 Meenakshi Sharma at Govt. Sr. Sec. School Ahmadbass [6554] having 61.789 points in transfer drive, further a writ in the nature of Mandamus directing the respondent to transfer the petitioner at Govt. Sr. School Ahmadbass [6554] at his 1st preference choice as having maximum points of 72.564 instead of transfer at Govt. Sr. Sec School Agon [818].

The said petition came up for hearing before the Hon'ble High Court on 15.09.2022 and the following direction was issued:-

*"On the asking of the Court, Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and submits that the representation dated 01.09.2022 (Annexure P-4) will be decided within a period of 10 days from today by passing an appropriate speaking order. In case, the petitioner has not been relieved till today from the present place of posting then he will be allowed to continue at the present place of posting till the decision of the said representation and in case, the petitioner has already been relieved from the present place of posting, he will not be forced to join at the new place of posting till the decision of the representation so filed by the petitioner.*

*Learned counsel for the petitioner submits that keeping in view the statement of the learned State counsel, the present petition may kindly be disposed of as having been not pressed any further.*

*Ordered accordingly."*

That in the compliance of the order dated 15.09.2022 the representation dated 01.09.2022 (Annexure P-4) of the claimant was examined. The claimant had participated in the Transfer Drive which was initiated from 25.08.2022 to 28.08.2022 and had filled up 45 options for his transfer and got the station/school of his preference at Sr. No. 3. It is pertinent to mention here that as per the Annexure P-3 annexed by the claimant in the writ petition the points of other employees are shown lower than the claimant.

That with respect to Annexure P-3 it is stated that in the State of Haryana there are two types of Cadre namely Mewat Cadre and Rest of Haryana Cadre. That in the Transfer Policy, 2016 under rule 10 (i) it has clearly been stated that "**Teachers of Mewat Cadre shall not be posted outside the Mewat district, now called as Nuh district**". Hence, instruction-cum-guidelines dated 13.08.2022 were issued wherein it has clearly been stated that the Transfer Drive would be run 1<sup>st</sup> for the regular Mewat Cadre Teachers against the vacancy opened in Mewat District and thereafter Transfer Drive would be run



against the remaining vacancies of Mewat Cadre for applicants belonging to Rest of Haryana Cadre, who opt school of Mewat District in their choice.

Further, it is also stated that during the time of Transfer Drive i.e. from 25.08.2022 to 28.08.2022 the MIS Profile of the claimant was Class-III Educationist (Cadre) which means the claimant belong to Rest of Haryana Cadre whereas private respondent No. 3 Smt. Meenakshi Sharma belongs to Mewat Cadre.

It has been found that the transfer of claimant is made keeping in the view of his MIS at the time of Transfer Drive as per Transfer Policy, 2016 on the basis of present circumstances, the claim of the claimant has been rejected in above terms.

I order accordingly.

01/29/22

(Anshaj Singh)  
Director Elementary Education,  
Haryana, Panchkula.

Regd.

To

1. Sh. Hari Krishan [009135], ESHM, aged about 52 years, S/o. Sh. Munshi Lal, posted at Government Senior Secondary School Agon (818), Block Ferozepur Jhirka, District Nuh Mewat, resident of 157/3 Ward No. 13 Ferozepur Jhirka, District Nuh Mewat.

Endst. No.: Even

Dated Panchkula the,

30-9-22

A copy of this order is forwarded to following for information and necessary action:

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Nuh Mewat.
3. Sh. P.L. Verma, Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.

Shankh  
Superintendent ESHM  
for Director Elementary Education  
Haryana, Panchkula 16.09.2021

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA**

Order No. 17/33-2022 ESHM (2)

Dated Panchkula the, 29-9-22

Whereas, the present CWP No. 19446 of 2022 Kusum Rani Vs. State of Haryana & Others for quashing impugned condition of the transfer order dated 28.08.2022 Annexure P-4 vide which the petitioner is directed to comply with the orders immediately and join new place of posting within 7 days from date of issue of order. In case, there is a grievance against this transfer order, the officer/official concerned can represent to the concerned Director through Sugam Sampark Portal only under General Transfer Drive-2022 after joining new place of posting. Grievance, if any will be considered only after joining new place of posting. As the teacher who having less marks allotted the preference over to the petitioner. Further praying for issuance of a writ in the nature of mandamus directing the respondent to correct the points which are showing wrongly 50.5534 in preference which was allotted to the petitioner, whereas, as per the MIS data dated 29.08.2022 Annexure P-3 petitioner is having 60.5479. Further praying the direction may kindly be issued to the respondent to allot the station as per points obtained by the petitioner. Further praying for issuance of a writ in the nature of mandamus to direct the respondent department to keep the station vacant against which the petitioner given preference but junior who having less points to the petitioner have been allotted vide order annexure P-4 dated 28.08.2022.

The said writ petition was tagged with CWP No.19413 of 2022 and other connected cases and came up for hearing before the Hon'ble High Court on 31.08.2022 a common order was passed by Hon'ble Court. The operative part of the order is reproduced as under:-

*"Keeping in view the above, as prayed for by the learned counsel for the petitioner(s), the present petitions are disposed of having been not pressed any further with liberty to file appropriate representation raising the grievance as raised in the present petitions before the authorities concerned and the respondents are directed to decide the same as undertaken here-in-before.*

*In respect of the prayer of the petitioner(s) for allowing them to continue at the present place of posting till their representation is decided, the same has merit. In case, prayer of the petitioner(s) as raised in their representations is accepted by the respondents, the transfer already effected will result in harassment of dislodging the*

*petitioner(s) again, which will not be in the interest of the petitioner(s) or the students, who are being taught by the petitioner(s). Hence, in case upto now, the petitioner(s) have not been relieved from their present place of posting, they will be allowed to continue at the present place of posting till their claim is decided by the competent authority and thereafter, in case the prayer of the petitioner(s) is accepted, they will be allowed to continue at the same place, failing which, the petitioner(s) will join the place of posting as allotted to them by the impugned order.*

*It is made clear that in case, petitioner(s) feel aggrieved even after the decision on their representation, they will be at liberty to avail any appropriate remedy, if available to them, under the law.*

*Petitions are disposed of in above terms.*

*A photocopy of this order be placed on the files of other connected cases."*

That claimant filed her representation on dated 01.09.2022 and after examining the representation it has been found that the claim of the claimant is to quash the transfer order dated 28.08.2022 (Annexure P-4) and to correct the points which is shown as 50.5534 in preference allotted to her whereas as per MIS Data on 29.08.2022 (Annexure P-3) she is having 60.5479.

It is pertinent to mention here that the transfer drive was initiated from 25.08.2022 to 28.08.2022. The claimant had participated in the Transfer Drive and at the time of transfer drive the claimant had secured 50.5534 points at her MIS profile as well as she has got the preference at Sr. No. 48 of her opted stations.

It is stated that to update the MIS Profile, it is the duty of the teachers him/herself to update their MIS Profiles after getting their documents verified from the concerned DDOs. It is also stated that many opportunities regarding verification/updating of service profile and personal profile were given to the teachers through concerned DEOs/DEEOs/ Principals/ Head of the institutions/DDOs to update the MIS Profiles of all teachers vide memo No. KW 8/2-2020 Co-I (2) dated 12.05.2022, Memo No. 1/101-2016-eGov.cell dated 11.07.2022 and memo No. 1/65-2022 eGov./IT Cell dated 17.08.2022.

It is worthwhile to mention here that the claimant has annexed Annexure P-3 dated 29.08.2022 in which 60.5479 points has been shown on the MIS of claimant i.e. after the completion of transfer drive as transfer drive completed on 28.08.2022. However, at the time of participation in transfer drive, the claimant had secured only 50.5534 points as



per her MIS profile. It is stated that it is the duty of the teacher to update the MIS Profile before the Transfer Drive was initiated within the time period as mentioned above.

In the context explained above, it has been found that the transfer of claimant was made keeping in view of points on her MIS at the time of Transfer Drive as per Transfer Policy, 2016. On the basis of present circumstances, the claim of the claimant has been rejected in above terms.

I order accordingly.

9/29/19/22

(Anshaj Singh)  
Director Elementary Education,  
Haryana, Panchkula.

Regd.

To

1. Smt. Kusum Rani [003766], ESHM, aged about 40 years, D/o. Sh. Ram Phal Singh, posted at GHS Ganeshpur (052) Ambala resident of House NO. 183, Chandimandir Panchkula. Haryana.

Endst. No.: Even

Dated Panchkula the, 30-9-22

A copy of this order is forwarded to following for information and necessary action:

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Ambala.
3. Sh. Vikram Sheoran, Advocate, Room No. 1 New Bar Complex, Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.

Shubh  
Superintendent ESHM  
for Director Elementary Education  
Haryana, Panchkula 21.09.2022



