

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA,
PANCHKULA**

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

Dated Panchkula the, 08.11.2022

Whereas, the present CWP No. 19436 of 2022 Vikas Vs. State of Haryana & Others for quashing the impugned Notice dated 29.08.2022 (Annexure P-10) whereby after allocation of school and transfer orders information is shared that School allocation will be given to C&V teacher prior to TGTs. Further, prayed for quashing the action of respondents whereby respondents have given preference to teachers having lower points than petitioner and further the action whereby petitioner is treated equivalent to TGT despite the fact that petitioner is working as Head Master Elementary School, in the interest of justice. Further prayed for quashing the impugned speaking order dated 25.08.2022 (Annexure P- 6) and against the Transfer Policy dated (Annexure P- 3), in the interest of justice and impugned transfer order dated 28.08.2022 (Annexure P-7) may kindly be stayed.

The said petition came up for hearing before the Hon'ble High Court on 31.08.2022 and the direction was issued to the department to decide the representation of the claimant. The operative part of direction is 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

In the compliance of above said direction, the representation dated 01.09.2022 of the claimant i.e. Sh. Vikas has been examined carefully and it has

been found that the claimant has raised three grievances in present writ petition as well as in the representation

It is relevant to state here that the grievance of the claimant with respect to providing information to the concerned employee in relation to allocation of school and preferences to C&V teachers and subsequent issuance of notice/letter in this regard is address hereby in the light of letter dated 29.08.2022.

The objective of giving priority to C&V Teacher (District Cadre) over TGTs (State Cadre) while allocating a school was to remove the administrative difficulty whereby few C&V teachers were not able to find posting within their district due to inflow of TGTs from outside the District and TGTs having more marks within their District.

Further it is relevant to state here that information was shared on 29.08.2022 for the reason that the above mentioned situation arose only while commuting the transfer orders and this decision was taken on the administrative ground after taking approval of the State Government.

The claimant has raised 2nd grievance that the he has been treated equivalent to TGT despite the fact that he was working as Head Master Elementary School. It is stated that the transfer drive was initiated from 25.08.2022 to 28.08.2022. As per guidelines Memo No. KW 4/33-2011 SE(4) dated 13.08.2022 an administrative decision was taken that only one administrative head will be posted in a school. It is relevant to mention that in high school & senior secondary school there is already one administrative head i.e. High School Head Master /Principal respectively. For the optimum utilization of available teachers a decision was taken that ESHMs will be offered eligible vacancies of TGT of their respective subjects in High and Senior Secondary School of their choice on the basis of merit. The claimant had participated in the Transfer Drive and he got the preference at Sr. No. 45 at the time of transfer drive on the basis of his MIS points i.e. 52.8256.

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In the 3rd grievance, the claimant has prayed for quashing the impugned speaking order dated 25.08.2022 (Annexure P- 6) and for staying the impugned transfer order dated 28.08.2022 (Annexure P-7). Also in the representation dated 01.09.2022 the claimant has stated that on administrative ground one of the aggrieved employees had got stay from the Hon'ble High Court due to which the claimant was temporarily adjusted and hence the question of temporary posting cannot be raised. With respect to the above mentioned it is relevant to mention that as per para 2 clause 8(i)b(i) of amended teacher transfer policy 2017 if an employee is given temporary manual posting due to administrative or litigational hurdle such employee will be liable to participate compulsorily in General Transfer Drive for regular posting.

The operative part of Para 2 clause 8(i)b(i) of amended Teacher Transfer Policy of 2017 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.

It is pertinent to mention that transfer is an incidence of service, an employee does not have any vested right for being transferred to or not being transferred from a particular place. Hence, it was mandatory for the Claimant to participate in the Transfer Drive for regular posting.

Keeping in view the provisions in rule, there is no force in the representation of the claimant. Hence, the claim of the claimant is hereby rejected with direction to join at the new place of posting.

I order accordingly.

9/8/11/22

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

Regd.

To

1. Sh. Vikas [071821], ESHM, aged about 51 years, S/o. Mangal Ram, posted at GSSS Gujrani (660), Distt. Bhiwani. resident of House No 2282, Vill. Jamalpur, Bhiwani Khera Distt Bhiwani

Endst. No.: Even

Dated Panchkula the, *08.11.2022*

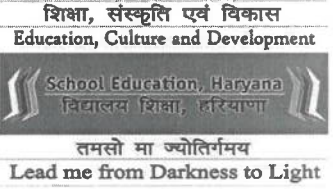
A copy of this order is forwarded to following for information and necessary action:

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Bhiwani.
3. Sh. Sanchit Punia Advocate, Bar Room, Punjab & Haryana High Court, Chandigarh.
- ✓ 4. IT Cell. To upload the Order on website.

Sh. Vikas
Superintendent ESHM
for Director Elementary Education
Haryana, Panchkula 04.11.2022



GOVERNMENT OF HARYANA / हरियाणा सरकार
Directorate Elementary Education
मौलिक शिक्षा निदेशालय



E-mail: eduprimaryhry@gmail.com - Site: www.harprathmik.gov.in

Order No. 02/99-2021 D&L (2)

Dated:- 04.11.2022

Sh. Sher Singh (058214), Math Master, GSSS Nigana, District Rohtak who was placed under suspension vide order No. 02/99-2021 D&L (2) dated 13.12.2021 is hereby reinstated with immediate effect under pending inquiry and now posted in GGHS Khairampur (1232), District Hisar against vacant post.

His reinstatement is without prejudice to disciplinary action pending against him and also without prejudice to the decision to be taken regarding the period for which he has remained under suspension.

Note:- He/She will be participated in the Transfer Drive.

Mahabir Parsad
Additional Director (Admn.),
Directorate of Elementary Education,
Haryana, Panchkula.

Endst No. EVEN

Dated Panchkula the, 10/11/2022

A copy is forwarded to the following for information and necessary action:-

Regd.

1. Accountant General A&E Haryana, Chandigarh.
2. District Elementary Education Officer, Rohtak.
3. District Elementary Education Officer, Hisar.
4. Principal/Head Master, GSSS Nigana, District Rohtak.
5. Principal/Head Master, GGHS Khairampur (1232), District Hisar.
6. Official concerned.
7. IT Cell.

Superintendent D&L
for Director Elementary Education
Haryana, Panchkula

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GOVERNMENT OF HARYANA / हरियाणा सरकार
Directorate Elementary Education
मौलिक शिक्षा निदेशालय

शिक्षा, संस्कृति एवं विकास
 Education, Culture and Development
 School Education, Haryana
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 तमसो मा ज्योतिर्गमय
 Lead me from Darkness to Light

E-mail: eduprimaryhry@gmail.com - Site: www.harprathmik.gov.in

Order No. 02/05-2022 D&L (2)

Dated:- 04.11.2022

Sh. Sadhu Ram (092291), DPE, GGMS Bhaini Surjan (6007), District Rohtak who was placed under suspension vide order No. 02/05-2022 D&L (2) dated 21.01.2022 is hereby reinstated with immediate effect under pending inquiry and now posted in GGHS Khairampur (1232), District Hisar against vacant post.

His reinstatement is without prejudice to disciplinary action pending against him and also without prejudice to the decision to be taken regarding the period for which he has remained under suspension.

Note:- He/She will be participated in the Transfer Drive.

Mahabir Parsad
Additional Director (Admn.),
Directorate of Elementary Education,
Haryana, Panchkula.

Endst No. EVEN

Dated Panchkula the, 10/11/2022

A copy is forwarded to the following for information and necessary action:-

Regd.

1. Accountant General A&E Haryana, Chandigarh.
2. District Elementary Education Officer, Rohtak.
3. District Elementary Education Officer, Hisar.
4. Principal/Head Master, GGMS Bhaini Surjan (6007), District Rohtak.
5. Principal/Head Master, GGHS Khairampur (1232), District Hisar.
6. Official concerned.

7. IT Cell.

Superintendent D&L
for Director Elementary Education
Haryana, Panchkula





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Order No. 02/27-2022 D&L (2)

Dated:- 04.11.2022

Sh. Pawan Kumar (088549), TGT Social Studies, GSSS Kohar (0661), District Bhiwani who was placed under suspension vide order No. 02/27-2022 D&L (2) dated 01.04.2022 is hereby reinstated with immediate effect under pending inquiry and now posted in **GSSS Bamla (340), District Bhiwani** against vacant post.

His reinstatement is without prejudice to disciplinary action pending against him and also without prejudice to the decision to be taken regarding the period for which he has remained under suspension.

Note:- He/She will be participated in the Transfer Drive.

Mahabir Parsad
Additional Director (Admn.),
Directorate of Elementary Education,
Haryana, Panchkula.

Endst No. EVEN

Dated Panchkula the, 04.11.2022

A copy is forwarded to the following for information and necessary action:-

Regd.

1. Accountant General A&E Haryana, Chandigarh.
2. District Elementary Education Officer, Bhiwani.
3. Principal/Head Master, GSSS Kohar (0661), District Bhiwani.
4. Principal/Head Master, GSSS Bamla (340), District Bhiwani.
5. Official concerned.
6. IT Cell.


 Superintendent D&L
 for Director Elementary Education
 Haryana, Panchkula

