

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

**CWP No.21429 of 2020
Date of Decision: 14.12.2020**

Deepti Rathi ...Petitioner
Vs.
State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Shivam Malik, Advocate,
for the petitioner.

Ms. Mamta Talwar, DAG, Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petition herein is under Article 226 of Constitution of India, inter alia, seeking issuance of a writ in the nature of mandamus directing the respondents to transfer the petitioner manually from Ballabhgarg (District Faridabad) to GGSSS Kiloj or GSSS Kharawar or GHS Bainsi in District Rohtak on medical ground against vacant post after relaxing the provisions of online Teacher Transfer Policy, 2016.

2. Learned counsel for the petitioner contends that in the case of another employee, who was identically situated, he was allowed to apply for transfer on manual basis by exempting him to apply online in relaxation of the Transfer Policy as is borne out from Annexure P-7.

3. Having gone through the averments of the petition and after hearing arguments of the learned counsel for the petitioner, prima facie, it seems to be a case of extreme hardship, inasmuch as, the petitioner is stated to be suffering from cancer. She is also mother of three children i.e. one daughter 13 years old and fraternal twins i.e. another daughter and a son, both three years old. It is stated that after being diagnosed with the cancer, the petitioner underwent surgery at Kainos Super Specialty Hospital, Rohtak on 25.08.2020

and is currently convalescing. She has to go to the said hospital at Rohtak on regular basis for follow up treatment.

4. The chronic disease certificate (Annexure P-3) has also been appended herein issued by the competent Government Medical Authority i.e. Civil Surgeon, Rohtak.

5. In the premise, the medical condition of the petitioner seems to be genuine as pleaded in the petition. Her application for transfer deserves to be entertained on humanitarian grounds by permitting her to opt manually for her transfer from Ballabgarh (District Faridabad) to any place in District Rohtak preferably as close to her residence as it can be, subject to the post being available at the new place of posting, by relaxing the provisions of online transfers as per the Teacher Transfer Policy, 2016.

6. This Court is conscious of the fact that online transfer policy has been introduced by the State Government in its earnestness to bring out transparency in the administrative matter of transfers. The online transfer policy is, therefore, to be lauded. However, in the peculiar facts and circumstances of the instant case, this court observes that the petitioner deserves the concession of applying manually, given her current medical condition, coupled with the fact that she is a mother of twins aged 3 years, who need constant care and attention.

7. Notice of motion.

8. Ms. Mamta Talwar, DAG, Haryana who has joined proceedings on service of advance copy of the petition appears and accepts notice on behalf of the respondent-State of Haryana and submits that she has instructions to state that petitioner has submitted a representation dated 27.10.2020 (Annexure P-5), the same is under consideration by the competent authority and the appropriate orders are likely to be passed soon.

9. In the premise, no useful purpose would be served to keep the petition pending. Given the nature of order being passed, there is no necessity to seek return as no further proceedings and/or pleadings are required.

10. Writ petition is disposed of with a direction to the competent authority to pass appropriate orders on the pending representation, as expeditiously as possible preferably within a period of two weeks.

11. In the parting, it is expected of the competent authority to keep in mind the observations of this court made hereinabove and consider the case of the petitioner on humanitarian/sympathetic grounds while passing appropriate orders.

12. Disposed of accordingly.

DECEMBER 14, 2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable Yes/No

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