

2336 DT Cell  
02/06/17

**OFFICE OF ADDITIONAL CHIEF SECRETARY HARYANA SCHOOL  
EDUCATION DEPARTMENT CHANDIGARH**

**Order No. 16/133-2017 ET-II (2)**

**Dated, Chandigarh, the 30.05.2017**

Whereas Smt. Savitri has filed CWP No. 9197 of 2017 titled as Savitri Versus State of Haryana & Ors in the Hon'ble High Court, which was directed by the Hon'ble Court on 12.05.2017 to put back the petitioner to the post held by the petitioner prior to issuance of annexure P/5 forthwith.

In compliance of order dated 12.05.2017 of the Hon'ble High Court, I have gone through the petition of the petitioner, she demanded that the quashing the impugned relieving order dated 20.04.2017 annexure P-5 vide which petitioner has been relieved by the office of respondent no. 4 on account of expire of deputation period and petitioner has been sent from GPS Model Town (12834), Block Hisar-I, District Hisar to GPS Garhi, Block Hisar-I Distt. Hisar. Where she was transferred earlier vide order dated 17.09.2016. The date of superannuation of Smt. Savitri Devi H.T., GPS Model Town (12834) is 31.07.2017 which is less than one year. Whenever the department has been transferred to her from GPS Model Town to GPS Garhi. The department cannot transfer such employee/teacher which superannuation period is less than one year as per transfer policy.

It is mentioned here that the State Govt. has made a new transfer policy in June 2016 and it has following provisions:-

Whereas the new Teacher Transfer Policy 2016 has a vision in Para-1 is reproduced below:-

To ensure equitable, demand based distribution of teachers/Heads to protect academic interest of students and optimise job satisfaction amongst its employees in a fair and transparent manner.

And whereas para 2(i) provides that teachers who are members of State Cadre and District Cadre are liable to be transferred anywhere in the State and anywhere in the District respectively, at any point of time.

And whereas para 4(i) inter alia, provides that transfers can be effected by the Government at any time during the year in cases of administrative exigency. The reasons for transfers under these grounds should be recorded on file.

And whereas para 5(i) provides that transfer/posting to the opted zone/school will not be claimed or treated as a matter of right.

And whereas para 5(iii) provides that the option once availed and confirmed shall be final and can be changed only under the provisions of this Policy.

And whereas para 5(v) provides that unless protected under a provision of this Policy, every teacher completing 5 years continuous stay in a particular school shall be transferred.

And whereas the clarification order dated 21.07.2016 insofar as it concerns with para 5(v) provides that "Unless protected under a provision of this policy, every teacher completing 5 years stay/tenure in a particular school/zone of any district(s), whether independently in a district or cumulatively of more than one district, of the State shall be transferred"

And whereas para 8(iv) provides that all teachers shall be asked to select the zones in order of their preferences, across districts. They shall further opt for a minimum five or available number of schools, whichever is more, in order of preference within each zone, so that their claim could be considered against multiple vacancies within a zone. In case he/she does not get his/her preferred choice then he/she shall be given any available school in the same zone. In case there is no school available in the said zone then he/she will be considered for the next zone of preference and so on.

And whereas para 8(xiii) provides that in administrative exigency, the Department shall be at liberty to post any teacher at any of the choices given by him/her, irrespective of preference given.

And whereas para 9(i) provides that every teacher will be responsible for the accuracy and regular updation of data in the MIS in respect of his/ her credentials. In case he/she notices any discrepancy, he/she will get it rectified by adopting due procedure after producing the relevant evidences before the competent authority. He/she shall be responsible for updating of profile as and when any status is changed.

And whereas the department asked all teachers to update their personal profile and service profile on MIS portal expeditiously so that further action for implementation of the Transfer Policy could be taken in time followed by through letters dated 06.04.2016, through video conference dated 27.04.2016

and through public notice in various newspapers dated 06.05.2016, Email dated 21.05.2016, DEO letters dated 23.05.2016, Email dated 30.05.2016, letter dated 02.06.2016 and letter dated 30.6.2016 respectively.

And whereas most of the employees showed their willingness and alertness in completing their profiles well in time and thereby helping the Department in preparing their case in the application software for the general transfer in the spirit of Transfer Policy. Such employees timely gave their transfer preferences as per the schedule given by the department.

And whereas in spite of a plethora of communications and requests issued to employees through various mode of communications some employees certainly didn't care, thereby faulted, for completing their personal profiles as well as the service profile for which they were specifically enjoined upon in the policy as well as in the communications mentioned here in above. Such employees even didn't give transfer preferences. The list of such employees is enclosed herewith as annexure-I. As the Application Software has to implement the spirit of the policy hence such teachers would necessarily be allocated new stations.

And whereas these few employees who didn't/couldn't complete their profile or didn't give transfer preferences, for one reason or the other, cannot be permitted to hold up the entire process of transfers through digital mode for which almost all other teachers are waiting impatiently.

And whereas to allocate stations to such teachers the department devised a logic whereby these teachers have been given stations in order of merit in the zone as near as possible to the present place of posting of such teachers who didn't express their options even though such teachers were otherwise liable to be transferred from their present place of posting.

And whereas, some of these defaulting teachers couldn't be accommodated in nearby schools.

And whereas to save these teachers from being on road without posting and to let them complete their MIS profiles for future service decisions like transfers, promotions, etc. the department has allocated them postings at stations available vacant and as per their eligibility in terms of the Teacher Transfer Policy 2016.

And whereas the convenience of these teachers cannot be known by the department unless they themselves come forward and express their options and

transfer preferences on the MIS profile whenever opportunity window is made open to them.

However, the transfer order dated 17.9.2016 of Smt. Savitri Devi, H.T. (1029672), GPS Model Town, (12834) to GPS Garhi (12609) is hereby cancelled in compliance of Hon'ble High Court order dated 12.05.2017 of CWP No. 9197/2017 titled as Savitri Devi Vs. State of Haryana & ors.

I order accordingly.

(P.K. DASS)  
Additional Chief Secretary Haryana  
School Education Department  
Chandigarh.


OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA  
PANCHKULA.

Endst No. 16/-2016 ET-II (2)

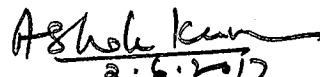
Dated, Panchkula, the 01.06.2017  
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A copy is forwarded to following for information and necessary action:-

1. District Elementary Education Officer Hisar.
2. Head of the institutions concerned.
3. Official concerned.
4. Technology Officer (IT Cell).
5. PA/DEE.

  
2/6/17

PragCNK/Varun

  
2.6.2017  
Superintendent ET-II  
O/o Director Elementary Education,  
Haryana, Panchkula