



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

CWP-7107-2025

Date of Decision: 17.03.2025

POONAM

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Ravinder Singh Dhull, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed seeking a writ of *certiorari* quashing the order dated 27.02.2025, Annexure P-1, whereby the petitioner, who is working as PGT English, has been transferred from Government High School, Sector 17, Panchkula, to PM Shri Government Senior Secondary School, Village Kesri, Ambala, against vacant post.

2. On the last date of hearing, the following order was passed:

It is, *inter alia*, contended that the petitioner is suffering from Thalassemia, as certified by the Civil Surgeon, vide certificate dated 02.06.2021, Annexure P-2; and taking that into consideration, she was posted at an urban station/Panchkula. Now, without considering her medical condition she has been transferred to Government Senior Secondary School, Village Kesri, District Ambala, vide impugned order dated 27.02.2025, Annexure P-1, which will have serious consequences for her



health as she requires posting at an urban station with appropriate medical facilities.

3. Learned State counsel has received instructions from the second respondent/Director, Secondary Education, vide memo dated 17.03.2025, which is to the following effect:

It is relevant to mentioned here that the benefit of chronic diseases certificate was provided to an employee during General transfer drive by awarding 10 extra points, which have already been granted to the petitioner by considering her request during previous general transfer drive. As, in the present matter, on the basis of inquiry report and preliminary transfer advisory received from the Government, in the interest of students and to make the school environment cordial and conducive to education, the petitioner was transferred on administrative grounds from G.H.S., Sector 17, Panchkula to PM Shree Govt. Sr. Sec. School, Kesri (Ambala) vide order dated 27.02.2025. Moreover, while transferring an employee on administrative ground and in the interest of students, the medical ground of such employees have not been taken into consideration.

4. It is apparent from the instructions received from the Department, that the petitioner's medical condition has not been considered while posting her to PM Shri Government Senior Secondary School, Village Kesri, Ambala. There is no denying the fact that she is suffering from Thalassemia and requires regular blood transfusion at short intervals. Therefore, the requirement to post her at a station having proper medical facilities to take care of any emergency as well as normal situation needs to be factored in.

5. Considering the aforesaid facts and circumstances, the petition is disposed of directing the respondents to reconsider the impugned transfer order dated 27.02.2025, and pass a fresh one taking into account the



petitioner's medical condition. Till passing of the fresh order, she shall be allowed to remain at the present place of posting.

(TRIBHUVAN DAHIYA)
JUDGE

17.03.2025

Ad

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*