



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

CWP-28859-2025

Date of Decision: 25.09.2025

Nilakshi Sarna

...Petitioner

Vs.

State of Punjab and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ranjit Singh Sidhu, Advocate
for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the present writ petition under Article 226/227 of the Constitution of India with a prayer to issue a Writ in the nature of Certiorari for quashing the impugned order dated 18.09.2025 (Annexure P-4), passed by respondent No.3 whereby, the petitioner has been ordered to be transferred from Government Elementary School, Rajpura City to G.P.S Nanhera, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner had initially joined the respondent department as ETT teacher on 12.03.2013 on contractual basis and later on, her services were regularized on 01.04.2018. Later on, she also joined her service with respondent department as Head Teacher on 20.09.2023, by way of direct recruitment and she was posted as Head Teacher at Government Elementary School, Rajpura City, District Patiala since 24.05.2023. Learned counsel next contends that before joining of the petitioner at the present school, the environment of the school was not good



and most of the staff members used to come late to the school and did not perform their duties properly. The petitioner, being the Head Teacher tried to discipline the teachers as well as the students, but certain teachers, more particularly Avtar Singh (former-in-charge) and Madam Chitra, another teacher started instigating the teachers against the petitioner. Even, in October 2024, the school received a grant for construction of two rooms and Avtar Singh and Madam Chitra pressurized the petitioner to hand over the charge to Avtar Singh, however, the petitioner maintained transparency and accountability. Even, in November 2024, Avtar Singh started removing the names of the students from the school rolls on his own and when the petitioner confronted him, he was assaulted. Apart from that, the teachers in the school were not following the directions issued by senior officers of the department. Apart from that, the several teachers had formed a group against the petitioner and started misleading the students as well. Even, Inderjit Kaur and Rajwinder Kaur had damaged the TV remote and cupboards. Not only this, the digital starter of the submersible pump was connected to the inverter and several electrical gadgets were destroyed due to this. Apart from that, ultimately, the enquiry was wrongly conducted and by completely ignoring the material on record, an Enquiry Report (Annexure P-2) was prepared against the petitioner. Learned counsel next contends that even the petitioner has been transferred by completely overlooking the transfer policy and rather she has been transferred to punish her for the good work done by her. Consequently, the impugned order is legally unsustainable.

3. On advance notice, Mr. Amarpreet Singh Bains, AAG, Punjab has



appeared on behalf of official respondents and submitted that the petitioner has been transferred on administrative grounds. Apart from that, there was confrontation between the petitioner, who is a Head Teacher and other teachers of the school. An enquiry was marked regarding this and a detailed report was prepared by the Enquiry Committee. By referring to the findings of the Enquiry Committee (Annexure P-2), learned State counsel submitted that following observations have been made by the Enquiry Committee against the petitioner:-

“After carefully reading the statements/documents and other records received as per the above, we as the investigation committee have come to the conclusion that the attitude of Mrs. Nilakshi Sarna, Head Teacher, SS Rajpura city towards the school staff is negative, apart from this, despite informing BPEO Rajpura-1 in advance on 06-5-2025 through phone, the attitude of the school head Mrs. Nilakshi Sarna on 07-5-2025 was not correct before the investigation team. Despite giving time to the concerned, a statement was recorded in the form of a complaint addressed to DPI (SC) Punjab and a letter was written to transfer Mr. Avtar Singh, ETT Teacher and Mrs. Chitra, ETT Teacher from the school. According to the statements given by BPEO Rajpura-1, Center Head Teacher, school staff and other records, the atmosphere between Mrs. Nilakshi Sarna, Head Teacher, and the staff is very tense due to her bad attitude and in view of this situation, further action has to be taken to make the school atmosphere”.

Thus, the impugned order has been passed by the respondent department so that the atmosphere of the school is not spoiled.

4. I have heard learned counsel for the parties and with their able assistance; I have perused the record carefully.



5. The Hon'ble Supreme Court has held in the matter of "**State of U.P and others Vs. Ashok Kumar Saxena and another (1998) 3 SCC** categorically observed that transfer of an employee is within the prerogative power of an employer and normally the High Court should not interfere by exercising its jurisdiction under Article 226 of the Constitution of India unless it is shown clearly as mala fide or infraction of any professed norms and held as follows:-

*".....The parameters of the powers of a Court under Article 226 vis-a-vis an order of transfer for are well settled. In **N.K. SINGH VERSUS UNION OF INDIA 7 ORS. (1994) 6 S.C.C. 98**, this Court held that interference by judicial review is justified only in cases of mala fides or infraction of any professed norms or principles and where career prospects remain unaffected and no detriment is caused to the concerned Government employee, challenge to the transfer must be eschewed. Reiterating the said proposition in *Sri Abani Kanta Ray Versus State of Orissa & Ors. J.T. 1995 (7) S.C. 467* the Court added that transfer being an incidence or service, is not to be interfered with by the Courts unless it is shown clearly arbitrary.....*

6. Similarly, in **Somesh Tiwari Vs. Union of India and others (2009) 2 SCC 592**, the Hon'ble Supreme Court again observed that an order of transfer is an administrative order, which is ordinarily an incident of service and the same should not be lightly interfered with. The relevant observations of the Hon'ble Supreme Court are reproduced as follows:-

".....Indisputably an order of transfer is an administrative order. There cannot be any doubt whatsoever that transfer,



which is ordinarily an incident of service should not be interfered with, save in cases where inter alia mala fide on the part of the authority is proved. Mala fide is of two kinds - one malice in fact and the second malice in law. The order in question would attract the principle of malice in law as it was not based on any factor germane for passing an order of transfer and based on an irrelevant ground i.e. on the allegations made against the appellant in the anonymous complaint. It is one thing to say that the employer is entitled to pass an order of transfer in administrative exigencies but it is another thing to say that the order of transfer is passed by way of or in lieu of punishment. When an order of transfer is passed in lieu of punishment, the same is liable to be set aside being wholly illegal....”

7. In the present case also, it is apparent from the averments made by the petitioner herself in the petition that the teachers in the school had formed various groups and the petitioner was working as a Head Teacher in the said school. Consequently, this Court has no hesitation to hold that this kind of attitude of teachers might adversely affect the studies of the students, who are enrolled in the school. Apart from that, even a detailed Enquiry Report (Annexure P-2) has been prepared by the senior officers of the respondent-department and the allegations against the petitioner have been found to be correct. Even otherwise, the transfer order has been passed purely on administrative ground and the petitioner has been transferred in District Patiala as she has been transferred from Rajpura City to Village Nanhera in the same District itself. Consequently, it cannot be said that some inconvenience has been caused to the petitioner.



8. Thus, finding no merits, the present writ petition is accordingly ordered to be dismissed.

25.09.2025

hitesh

Whether speaking/reasoned
Whether reportable

(N.S.SHEKHAWAT)
JUDGE

:Yes/No
: Yes/No