

*Before Mehtab S. Gill and K. Kannan, JJ.*

**RAM CHANDER SHARMA,—Petitioner**

*versus*

**STATE OF HARYANA AND OTHERS,—Respondents**

C.W.P. No. 9126 of 2008

1st December, 2008

*Constitution of India, 1950 —Art 226—Serious allegations of misbehaviour against Principal of school—Transfer—Challenge thereto—Order of transfer on administrative grounds and not as a measure of punishment—Petition dismissed.*

*Held*, that the petitioner has been transferred on administrative grounds. There cannot be better administrative grounds for transfer when there are such serious allegations. Residents of the village have made a complaint. Teachers are not only meant to teach, but also to be role models for the students.

(Para 6)

Ms. Alka Chatrath, Advocate for the petitioner.

Harish Rathee, Senior D.A.G. Haryana.

**MEHTAB S. GILL, J.**

(1) Learned counsel for the petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing order dated 30th April, 2008 and endorsed on 6th May, 2008 (Annexure P-6).

(2) Learned counsel for the petitioner has argued that the petitioner has been transferred from Government Senior Secondary School, Salelpur District Yamuna Nagar to Government Senior Secondary School, Kot Kalsia District Yamuna Nagar on a false complaint made by the Gram Panchayat. This has been done as a measure of punishment. No enquiry was held, nor any opportunity of hearing was given to the petitioner.

(3) Learned counsel for the State has argued that the petitioner was transferred on administrative grounds. There were complaints of misconduct with the students and complaints were made by Gram Panchayat of Village Salelpur District Yamuna Nagar, Jhanda District Yamuna Nagar, Mahamadpur District Yamuna Nagar, Peer Bholi District Yamuna Nagar and Block Samiti Sadhaura District Yamuna Nagar.

(4) We have heard the learned counsel for the parties and perused the writ petition and the annexures attached thereto.

(5) In the complaint made to the Chief Minister, Haryana (Annexure-4) the residents of Village of Salelpur, District Yamuna Nagar, have stated that petitioner misbehaved with the villagers, students and staff members of the school. Petitioner indulged in smoking on the school premises which is having a bad effect on the children. Further, he is staying in the school premises in a room which is meant for the students. The Gram Panchayats of Village Mahamadpur District Yamuna Nagar and Block Samiti, Sadhaura District Yamuna Nagar have passed a resolution (Annexure P-6) against this petitioner, regarding he being indisciplined, his smoking in the school premises during school hours and also using intoxicants which is having a bad effect on the students.

(6) It is clear that the petitioner has been transferred on administrative grounds. There cannot be better administrative grounds for transfer when there are such serious allegations. Residents of the village have made a complaint. Teachers are not only meant to teach, but also to be role models for the students.

(7) Learned counsel for the petitioner has relied upon a judgment of this Court in **N.S. Bhullar and another versus The Punjab State Electricity Board and others (1)** wherein this Court held that the courts should not interfere if the transfer is made on administrative grounds in public interest. The courts can interfere if transfer is not made in a routine manner but for collateral purpose and by way of punishment. The judgment cited does not apply to his case in hand. As already discussed above, petitioner has been transferred on administrative grounds due to very serious lapses on his part.

(8) Similar is the case in C.W.P. No. 7425 of 2006 **Kuldip Sharma versus State Bank of Patiala** decided on 10th August, 2006. This judgment also does not apply to the case in hand, as the petitioner has been transferred on administrative grounds.

(9) Petition is devoid of merit.

(10) Dismissed.

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**R.N.R.**

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(1) 1991 (1) S.L.R. 378

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