

CWP-9544-2026(O&M)

2026:PHHC:093509



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

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CWP-9544-2026(O&M)
Date of Decision: **09.07.2026**

Sandeep and others

.....Petitioners

VERSUS

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Ms. Shruti Jain Goyal, Advocate for the petitioners.

Mr. Harsh Nain, DAG Haryana-State.

HARPREET SINGH BRAR, J. (Oral)

CM-9916-CWP-2026

The present application has been filed under Section 151 of CPC for placing on record Annexures P-9 to P-11.

In view of the grounds mentioned in the application, the same is allowed, Annexures P-9 to P-11 are ordered to be taken on record, subject to all just exceptions.

Registry is directed to place the same at an appropriate place.

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MAIN

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ or order in the nature of *certiorari* for quashing the action of respondents in depriving the petitioners of the benefit of 10% additional pay of basic pay+DA Rs.10,000/- for posting in Mewat District in consonance with notification dated 17.04.2021 (Annexure P-3), as amended subsequently and Clause 10 of the Teachers Transfer Policy, 2025 as notified on 28.11.2025 (Annexure P-7), by neither considering their continuation in District Nuh as deemed willingness nor by affording them any opportunity to express their willingness for posting in District Nuh through request or participation in online transfer drive being completely arbitrary and thus violative of Articles 14 and 21 of the Constitution of India. Further praying for quashing the action of respondents in granting them the benefit of additional pay to other Guest Teachers posted in other districts by considering their request for posting in District Nuh. Further praying for issuance of a writ in the nature of *mandamus* directing respondents to grant the petitioners benefit of 10% additional pay for staying in the District Nuh (Mewat) as per notification dated 17.04.2021 (Annexure P-3) along with all arrears with interest @ 18% p.a.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners are working as Guest Teachers (JBT/PRT) in various Government Schools situated in District Nuh (Mewat) for the last about two

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decades. It is submitted that the petitioners have been continuously serving in the said hardship area despite the fact that the distance between their native places and their respective places of posting ranges from approximately 115 kilometres to 276 kilometres. Learned counsel submits that the State Government framed the Teacher Transfer Policy, 2016 vide notification dated 29.06.2016 (Annexure P-1), whereby teachers posted in Mewat District against vacancies for which no teacher opted voluntarily were made entitled to 10% additional pay of Basic Pay plus Dearness Allowance. Thereafter, vide notification dated 17.04.2021 (Annexure P-3), the said benefit was extended to Guest Teachers. Subsequently, vide notification dated 28.01.2022 (Annexure P-5), the incentive was modified to Rs.10,000/- per month, and further notification dated 13.04.2022 (Annexure P-6) prescribed the conditions governing grant of the said honorarium. It is further submitted that the Teacher Transfer Policy, 2025, notified on 28.11.2025 (Annexure P-7), continues the said incentive under Clause 10.

3. It is further contended that Guest Teachers who were earlier posted in other districts and subsequently opted for posting in District Nuh have been granted the benefit of the additional honorarium, whereas the petitioners, despite having continuously served in District Nuh since their initial appointments and facing the same hardship, have been arbitrarily denied the said benefit. Learned counsel submits that the continuous posting of the petitioners in District Nuh ought to have been treated as deemed willingness for serving in the said district. It is argued that once the

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petitioners have been continuously serving in District Nuh for nearly two decades, there was no requirement for them to again express willingness through an online transfer drive. The respondents neither treated their continued posting as deemed willingness nor afforded them any opportunity to express such willingness through the online transfer process, thereby adopting a discriminatory and arbitrary approach violative of Articles 14 and 16 of the Constitution of India.

4. *Per contra*, learned State Counsel reiterates the stand taken in the written instructions/reply (Annexure A) and submits that the claim of the petitioners has been duly examined by the competent authority. It is contended that the petitioners were initially appointed as Guest Teachers in District Nuh (Mewat) itself pursuant to the recruitment process meant for the said district and joined their respective posts with full knowledge of the service conditions. It is submitted that the incentive contemplated under the Teacher Transfer Policy, 2016, as amended vide notifications dated 17.04.2021 (Annexure P-3), 28.01.2022 (Annexure P-5) and 13.04.2022 (Annexure P-6), as well as under Clause 10 of the Teacher Transfer Policy, 2025 (Annexure P-7), is intended only for those teachers who voluntarily opt through the online transfer drive for posting against vacancies in District Nuh, Morni Hills or Hathin, and not for teachers who were initially appointed in those areas. It is, thus, argued that since the petitioners were never transferred to District Nuh pursuant to the said policy but were originally appointed there, they are not entitled to claim the benefit of the

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additional honorarium. It is further submitted that the policy has been framed in public interest with the object of attracting willing teachers to difficult and remote areas and the classification has a direct nexus with the object sought to be achieved. It is lastly argued that in the absence of any challenge to the validity of the policy or the notifications, no relief can be granted to the petitioners.

5. I have heard learned counsel for the parties and have gone through the case file with their able assistance. It transpires that the petitioners seek extension of the benefit of additional honorarium solely on the ground that they have continuously served in District Nuh for a considerable length of time and, therefore, such continuous service should be construed as deemed willingness under the policy.

6. The Teacher Transfer Policy, 2016 notified vide notification dated 29.06.2016 (Annexure P-1) originally contemplated grant of incentive to teachers opting for difficult stations. Thereafter, vide notification dated 17.04.2021 (Annexure P-3), the said benefit was extended to Guest Teachers. Subsequently, vide notification dated 28.01.2022 (Annexure P-5), the quantum of incentive was modified to Rs.10,000/- per month, which was further regulated by notification dated 13.04.2022 (Annexure P-6) prescribing the conditions for grant of the said honorarium. Teacher Transfer Policy, 2025, notified vide notification dated 28.11.2025 (Annexure P-7), also continues the said incentive under Clause 10. However, a conjoint reading of the Teacher Transfer Policy, 2016 (Annexure P-1), the

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subsequent notifications dated 17.04.2021 (Annexure P-3), 28.01.2022 (Annexure P-5), 13.04.2022 (Annexure P-6) and the Teacher Transfer Policy, 2025 (Annexure P-7) unmistakably demonstrates that the benefit is intended only for those teachers who voluntarily opt for posting in the notified hardship areas through the prescribed transfer mechanism and are thereafter posted against vacancies.

7. The expressions employed in the notification dated 17.04.2021 (Annexure P-3), as amended vide notifications dated 28.01.2022 (Annexure P-5) and 13.04.2022 (Annexure P-6), as well as Clause 10 of the Teacher Transfer Policy, 2025 (Annexure P-7), such as "opts", "is willing to be posted", "against a vacancy" and "transferred through online transfer drive", leave little scope for any other interpretation. The petitioners admittedly were initially appointed in District Nuh itself. Their appointments were not the consequence of any online transfer drive nor were they transferred to District Nuh under the incentive scheme envisaged under the Teacher Transfer Policy, 2016 (Annexure P-1), the subsequent notifications dated 17.04.2021 (Annexure P-3), 28.01.2022 (Annexure P-5), 13.04.2022 (Annexure P-6) or the Teacher Transfer Policy, 2025 (Annexure P-7). The respondents have consistently maintained in their written instructions/reply (Annexure A) that the incentive is available only to those teachers who voluntarily choose to serve in hardship areas despite having an option to remain elsewhere. The petitioners, therefore, do not fall within the category of beneficiaries contemplated under the aforesaid policy framework.

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8. The argument founded upon Articles 14 and 16 of the Constitution of India also does not merit acceptance. The teachers who voluntarily sought transfer to District Nuh under the Teacher Transfer Policy, 2016 (Annexure P-1) and the subsequent notifications (Annexures P-3, P-5 and P-6) constitute a distinct class from those who entered service in District Nuh pursuant to a separate recruitment process meant exclusively for that district. The object of the policy, as continued under Clause 10 of the Teacher Transfer Policy, 2025 (Annexure P-7), is to encourage willing teachers to opt for difficult stations where vacancies remain unfilled. Such classification cannot be said to be arbitrary or without any rational nexus with the object sought to be achieved.

9. The plea that the petitioners have also suffered identical hardship on account of their long postings in District Nuh undoubtedly evokes sympathy. However, hardship by itself cannot constitute a ground for directing payment of a financial benefit contrary to the express terms of the Teacher Transfer Policy, 2016 (Annexure P-1) and the subsequent notifications (Annexures P-3, P-5 and P-6) as well as the Teacher Transfer Policy, 2025 (Annexure P-7).

10. It is also significant that the petitioners have not challenged the constitutional validity of the Teacher Transfer Policy, 2016 (Annexure P-1), the notifications dated 17.04.2021 (Annexure P-3), 28.01.2022 (Annexure P-5), 13.04.2022 (Annexure P-6) or the Teacher Transfer Policy, 2025 (Annexure P-7). In the absence of such challenge, this Court cannot enlarge



the scope of the policy by judicial interpretation so as to include a category of employees consciously excluded by the policy-making authority.

10.1. In this regard reliance can be placed upon the judgment passed by a Division Bench of this Court in ***Dhani Ram Chaudhary Vs. State of Haryana and another 2005(1) SCT 571*** held that since the relevant rule had not been impugned by the petitioners, it shall be presumed that the petitioners have accepted the same in its present state. Speaking through Justice J.S. Khehar, the following was opined:-

“Since the judgments relied upon by the learned counsel for the petitioner, do not deliberate upon the limitation prescribed in the rule extracted above, we are satisfied that the same are inapplicable for adjudicating the claim raised by the petitioner finally. The vires of the rules under reference have not been impugned by the petitioner in the instant writ petition. Accordingly, it is imperative to conclude that the petitioner accepts the aforesaid rule as it presently exists. The rule clearly stipulates that alteration in the date of birth in the service book of a government employee can be sought only within two years from the date of entry into service. Since the alteration, in the instant case, was sought long years beyond the date of entry into service, and just one year before attaining the age of retirement, it is not possible for us to accept the claim of the petitioner. The instant writ petition is, accordingly, dismissed.”

(emphasis supplied)

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11. In view of the foregoing discussion, this Court does not find any merit in the present writ petition warranting interference in exercise of its extraordinary writ jurisdiction under Articles 226/227 of the Constitution of India.

12. Accordingly, the present petition is dismissed, so also the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

09.07.2026

P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No