CNR No: PHHC010561212026
2026:PHHC:110495

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.27372 of 2026
Date of Decision: 06.10.2026

Dr. Richa Rani @ Dr. Richa Beniwal .....Petitioner

VERSUS

State of Haryana and others .....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Sube S.Kaushik, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

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HARPREET SINGH BRAR, J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the action of the respondents whereby the petitioner has been denied 10 Couple Case Merit Points under the Model Online Transfer Policy, 2026 (Annexure P-2) and has instead been awarded 'Zero (0)' points under the Couple Case category, as reflected in Annexure P-3. A further writ in the nature of *mandamus* is sought directing the respondents to award 10 Couple Case Merit Points to the petitioner by treating her husband as a regular Haryana Government employee serving against a Haryana Government Share Quota Post in the Bhakra Beas Management Board (BBMB), in terms of the Government clarification dated 12.01.2026 (Annexure P-6), whereby Haryana Share Quota Posts in BBMB have

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been clarified to form part of the cadre of the Haryana Irrigation & Water Resources Department and not to constitute deputation posts. The petitioner further seeks a direction to the respondents to recompute her total merit score after awarding the aforesaid 10 Couple Case Merit Points and, consequentially, to reconsider her claim for transfer strictly in accordance with the Model Online Transfer Policy, 2026, against the stations/preferences opted by her on the basis of her revised merit position. It is further prayed that the action of the respondents in denying Couple Case Merit Points, despite both spouses being regular Government employees and notwithstanding the Government clarification regarding the status of Haryana Share Quota Posts in BBMB, be declared arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India, besides being contrary to the Model Online Transfer Policy, 2026 and the law laid down by this Court in ***Maneesh Kumar v. State of Haryana and others, CWP-17139-2013***, decided on 20.01.2016. The petitioner also seeks interim protection directing the respondents not to fill up the post/station to which she may become entitled upon recalculation of her merit after award of 10 Couple Case Merit Points, or, in the alternative, to keep one suitable vacancy available, subject to the final outcome of the present writ petition.

2. Learned counsel for the petitioner, *inter alia*, submits that the petitioner was appointed as a regular Assistant Professor (Physics) in the Higher Education Department on 12.07.2018, as discernible from Annexure P-1, and is presently posted at K.T. Government College, Ratia, District Fatehabad. The Government of Haryana notified the Model Online Transfer Policy, 2026 on 25.06.2026 (Annexure P-2), which provides for grant of ten (10) Couple Case Merit Points where the spouse of an employee is serving as a regular employee in a notified organization and is posted in Haryana, Delhi or Chandigarh. The petitioner

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submitted her application in the online transfer drive within the stipulated period; however, the merit-point details generated on 19.08.2026 reveal that she has been awarded 'Zero (0)' Couple Case Merit Points, as reflected in Annexure P-3.

3. Learned counsel further contends that the petitioner's husband, namely, Mandeep Singh Beniwal, is serving as a Superintending Engineer against a Share Quota Post earmarked for the State of Haryana in BBMB, as is evident from the transfer order dated 03.03.2026 and posting order dated 17.03.2026 (Annexures P-4 and P-5, respectively). Though his place of posting is at Nangal, District Ropar, Punjab, his parent Department is the Irrigation & Water Resources Department, Haryana. Learned counsel refers to notification dated 13.12.2019 (Annexure P-7), whereby various Haryana Share Quota Posts in BBMB have been incorporated in the cadre structure of the Irrigation & Water Resources Department. It is further submitted that vide clarification dated 12.01.2026 (Annexure P-6), the State Government has specifically clarified that the Share Quota Posts of Engineers earmarked for the Irrigation & Water Resources Department, Haryana, in BBMB form part of the cadre of the said Department and are sanctioned posts thereof and, therefore, incumbents holding such posts are not to be treated as being on deputation. BBMB has also been specifically included at Sr. No.181 in the list of notified organizations under the Model Online Transfer Policy, 2026 (Annexure P-8). It is, thus, contended that denial of Couple Case Merit Points merely on account of the physical location of the husband's posting at Nangal is arbitrary and contrary to the object and scheme of the Policy.

4. *Per contra*, learned State counsel opposes the prayer made by the petitioner and submits that ten (10) Couple Case Merit Points are admissible only where the spouse of the employee is serving as a regular employee in an

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organization included in the notified list under the Model Online Transfer Policy, 2026 and is posted in Haryana, Delhi or Chandigarh as on the qualifying date of the relevant transfer drive. It is submitted that though the petitioner's husband may have initially joined at Chandigarh, his actual place of posting is Nangal, District Ropar, in the State of Punjab. Thus, the petitioner does not satisfy the geographical requirement prescribed under the Policy and is not entitled to the claimed Couple Case Merit Points.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The controversy lies in a narrow compass. It is not disputed that the petitioner is a regular employee of the State of Haryana. It is also not disputed that her husband is a regular employee of the Irrigation & Water Resources Department, Haryana, and is presently serving against a Haryana Share Quota Post in BBMB. Significantly, the State Government itself, vide clarification dated 12.01.2026 (Annexure P-6), has clarified that the Share Quota Posts of Engineers earmarked for the State of Haryana in BBMB constitute part of the cadre of the Irrigation & Water Resources Department, Haryana, and are sanctioned posts of the said Department. Such incumbents are, therefore, not to be treated as employees sent on deputation to an independent organization. It is equally significant that BBMB has specifically been included by the State Government in the list of notified organizations under the Model Online Transfer Policy, 2026. The inclusion of BBMB cannot be rendered otiose by reading the condition regarding place of posting in a manner which altogether ignores the peculiar statutory and administrative arrangement governing the Haryana Share Quota Posts in BBMB. Once the State itself treats such posts as an integral part of the cadre of the Irrigation

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& Water Resources Department, Haryana, the character of the post cannot be made dependent solely upon the geographical location at which the incumbent is required to discharge his official duties.

7. The Model Online Transfer Policy, 2026 has been framed with the avowed object of ensuring optimal utilization of available human resources through a transparent mechanism, enhancing administrative efficiency, promoting employee satisfaction and facilitating effective public service delivery. The Policy also recognizes various special circumstances and provides additional merit points with a view to mitigating genuine hardship suffered by employees on account of their personal and family circumstances. The provision relating to Couple Case Merit Points is one such beneficial component intended to facilitate, to the extent administratively permissible, the posting of spouses at convenient stations.

8. In the present case, the petitioner's husband continues to hold a substantive Haryana Government cadre post and his posting in BBMB is against the specific Share Quota earmarked for the State of Haryana. The mere circumstance that, in discharge of the duties attached to such Haryana Share Quota Post, he is stationed at Nangal cannot, by itself, alter the character of his appointment or sever his nexus with the Haryana Government cadre. To deny the petitioner Couple Case Merit Points solely on the basis of the physical location of such posting, while simultaneously recognizing BBMB as a notified organization and the post occupied by her husband as part of the Haryana cadre, would amount to adopting a hyper-technical construction of the Policy. Such an interpretation would also lead to an anomalous situation where an employee occupying a Haryana Share Quota Post in BBMB at Chandigarh may be extended the benefit of Couple Case Merit Points, whereas another employee holding an identical Haryana Share

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Quota Post under the same cadre but posted at Nangal, District Ropar (Punjab) in the exigencies of service would be excluded. Such a classification, in the absence of any discernible nexus with the object underlying the grant of Couple Case Merit Points, cannot be sustained.

9. The Model Online Transfer Policy has to be construed in a manner which advances its object rather than defeats the benefit contemplated thereunder. Once the respondents themselves recognize the Haryana Share Quota Posts in BBMB as cadre posts of the Irrigation & Water Resources Department, Haryana, the benefit flowing from the Couple Case category cannot be denied to the petitioner merely because the duties attached to such post are presently being discharged by her husband at Nangal.

10. Consequently, the present writ petition is allowed. The respondents are directed to award ten (10) Couple Case Merit Points to the petitioner under the Couple Case category and thereafter recompute/recalculate her total merit score. Upon such recomputation, the petitioner's claim for transfer shall be reconsidered strictly in accordance with the Model Online Transfer Policy, 2026, on the basis of her revised merit position and against the stations/preferences exercised by her in the relevant transfer drive. The necessary exercise shall be carried out expeditiously, in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

October 06 , 2026.
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No

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