OFFICE OF DIRECTOR OF PUBLIC INSTRUCTIONS (S.E) PUNJAB, SAS NAGAR
(Establishment-3 Branch)
(Email ID- dpise.amla3@punjabeducation.gov.in)

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4/11/2026

Speaking order

Order No. 1090713
Dated, SAS Nagar: 21.10.2026

The petitioner, Sh. Ashish Kalra, Math Master, Govt. Adarsh Senior Secondary School, Balek Khurd, District Tarn Taran, filed CWP No. 9706 of 2026 before the Hon'ble Punjab and Haryana High Court at Chandigarh, inter alia, raising grievance regarding non-implementation of transfer order dated 06.09.2025 and the applicability of the Teachers Transfer Policy-2019, including the 50% staffing condition. The present writ petition was disposed of vide common order dated 17.08.2026 along with the bunch of other similar writ petitions in the main case titled as Ashish Kalra Vs. State of Punjab and others, with directions to constitute a separate Committee and to pass a speaking order qua every petitioner.

The operative part of the said judgment is as under:

"(a) The Secretary, Department of School Education, Punjab, shall constitute a Committee to re-examine the policy in question in all aspects, including the issues, as demonstrated above, with a view to rectify the anomalies and ensuring complete transparency, thereby leaving no discretionary powers with the authorities concerned to be exercised arbitrarily, within a period of three months from today.
(b) The Secretary, Department of School Education, Punjab, shall also constitute a separate Committee, within two weeks from today, which, after hearing all the stakeholders, including the petitioners, shall pass a speaking order qua every petitioner, thereby addressing his/her grievance, within a period of eight weeks from today."

2. Whereas, in due compliance with the aforesaid directions dated 17.08.2026 passed by the Hon'ble Punjab and Haryana High Court, the Department had constituted a Committee vide order dated 26.08.2026 for addressing the grievances of the petitioners in the above-said bunch. Accordingly, the grievance of the present petitioner was also heard by the said Committee after giving an opportunity of personal hearing to the petitioner on 22.09.2026. The petitioner reiterated the facts mentioned in the writ petition regarding his transfer order dated 06.09.2025, non-relieving from his present place of posting and the 50% staffing condition.

3. In this regard, it is clarified that the transfer orders dated 06.09.2025 specifically provided that, in case of Senior Secondary and High Schools, if on implementation of the orders the number of teachers in the school becomes less than 50% of the sanctioned strength, such orders would be implemented on replacement of that teacher. Accordingly, the transfer order was subject to the said condition and the resultant strength of the concerned school. The aforesaid position

is further clarified by the Department vide letter dated 08.04.2021, by way of an example. For instance:

"If the number of sanctioned teaching posts in a school is 20 and 15 teachers are working in the school, and during the first and second rounds of transfers 6 teachers are successful in obtaining transfer out of the school but no teacher is transferred into the school, the transfer order of any teacher shall not be implemented. However, if any teacher is transferred into the school and, as a result, the number of teachers becomes 10 or more, i.e. 50% or more of the sanctioned strength, such transfer orders may be implemented. Thus, the 50% condition operates with reference to the resultant teaching strength of the school."

4. Most importantly, the subsequent departmental instructions issued vide Memo No. Transfer Cell/2026/322388/2558 dated 19.03.2026 whereby the Department has issued directions regarding cancellation of transfers which could not be implemented during the online transfer process due to the condition of 50% sanctioned teaching strength in schools or due to other departmental reasons.

5. As per Point No. 1.2 of the aforesaid departmental instructions dated 19.03.2026, in cases where the transfer of a teacher/employee could not be implemented due to the aforesaid reasons, the data of such teacher/employee had nevertheless been shifted to the destination school, although the teacher/employee continued to work at the original school. The said instructions provide that the transfers of such teachers/employees are to be cancelled so that their data may be shifted back to the same school where they are actually working.

6. On examination of the grievances of the petitioners and the available official record, it is observed that the cases of those petitioners whose transfer orders could not be implemented due to the reasons covered under the aforesaid departmental instructions are required to be dealt with in accordance with Point No. 2 of the Memo dated 19.03.2026. Accordingly, the applicability of the said instructions to the individual cases of the petitioners shall be determined with reference to the relevant transfer orders, the actual place of working and the reasons for non-implementation of the respective transfer orders.

7. It is further observed that the transfer process was undertaken through the prescribed online portal. However, allotment of a station through the online portal, or the shifting of an employee's data to the destination school, does not by itself establish that the transfer has been implemented when the employee continues to work at the original school. The administrative record is, therefore, required to reflect the actual place of working of the employee in accordance with the applicable departmental instructions.

8. It is further observed that the petitioner's reliance upon the deputation of another teacher cannot, by itself, create an enforceable right in his favour. Deputation and regular transfer are two distinct administrative arrangements, governed by their respective orders and applicable instructions. Mere deputation of another employee from the school does not confer upon the petitioner a vested right to claim implementation of his transfer in disregard of the staffing norms.

9. It is accordingly held that the petitioner's claim for relieving/implementation of transfer cannot be considered solely on the basis of issuance of the transfer order dated 06.09.2025 or on the basis of deputation of another teacher. The competent authority is required to ensure compliance with the prescribed staffing condition, including the applicable 50% requirement, while implementing the transfer.

In view of the above, and in the light of the instructions contained in Memo dated 19-03-2026, it is observed that the transfer orders of the petitioner were issued in the year 2025 and the grievance raised by the petitioner is required to be considered in accordance with the applicable departmental instructions. The memo dated 19-03-2026 pertains to cases where transfers could not be implemented due to condition of less than 50% staff strength or departmental reasons, despite the data of the concerned teacher having been shifted to destination school. Accordingly, The claim/representation of the petitioners is hereby disposed of accordingly.

Sakatar Singh Bal, PCS
Director School Education (Secondary) Punjab

Endst. No. Even. 20263110268 Dated- SAS Nagar : 21-10-2026
A copy of the above is sent to the following for information and necessary action:-

1. District Education Officer (SE),TarnTaran and others Districts.
2. Concerned Petitioner's (as per list attached).

21/10/26
Assistant Director School Edcation-3

ਦਫਤਰ ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ(ਸੈ.ਸਿ) ਬਠਿੰਡਾ

ਪਿਠਅੰਕਣ ਨੰ: ਅ-1/1( )2026/ ਮਿਤੀ 05.11.2026

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਸੰਬਧਤ ਸਕੂਲ ਮੁਖੀਆਂ ਜਿਲਾ ਬਠਿੰਡਾ ਨੂੰ ਭੇਜ਼ ਕੇ ਲਿਖਿਆ ਜਾਦਾ ਹੈ ਕਿ ਉਕਤ ਸਪੀਕਿੰਗ ਆਰਡਰ ਸੰਬਧਤ ਪਟੀਸ਼ਨਰਾਂ ਨੂੰ ਨੋਟ ਕਰਾਏ ਜਾਣ ਅਤੇ ਕਾਰਵਾਈ ਰਿਪੋਰਟ ਇਸਦਫਤਰ ਨੂੰ ਭੇਜੀ ਜਾਵੇ।

ਜਿਲਾ ਸਿਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ)