

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT
31-Sher Shah Block New Garden Town, Lahore

ORDER

No.SO(Estt.)23-212/2021. WHEREAS, Ms. Nadia Gulnaz, Junior Special Education Teacher, currently posted at Government Special Education Centre, Ahmad Pur Sial, District Jhang ('petitioner') filed Writ Petition No.68757/2024 before Lahore High Court, Lahore, with following prayer:

"In view of the above facts and submissions it is, therefore, most respectfully prayed on behalf of the petitioner that the instant petition may kindly be accepted and the petitioner's representation pending before the respondent may kindly be considered regarding transfer / adjustment of the petitioner in her district in accordance with the law in the interest of justice

It is further prayed that till the decision of the instant writ petition, the respondent may kindly be directed to consider the representation of the petitioner and decide the same in accordance with law which is pending before him to meet the ends of justice

Any other relief which this Honourable Court may deems fit and proper may also be granted to the petitioner in the circumstances of the case."

The instant Writ Petition was **disposed of** by the Honorable Lahore High Court, Lahore, vide order dated 04.11.2024 with following directions:

"xxx.2. The request made is tenable. Respondent No.1 is accordingly directed to decide the petitioner's representation, if pending, within a period of one week from the date of receipt of certified copy of this order.

*3. With this observation, this writ petition stands **disposed of**."*

2. **AND WHEREAS**, in compliance with the directions of the Hon'ble Lahore High Court, Lahore, the Secretary Special Education being Competent Authority referred the matter to already constituted Grievance Redressal Committee vide notification dated 25.10.2024 to afford the petitioner an opportunity of personal hearing and submit recommendations accordingly. The Committee after granting hearing to the petitioner in the presence of all concerned, submitted report wherein it was stated that during the course of hearing, the petitioner while reiterating the arguments presented in her Writ Petition and pending application, *inter alia*, contended that she was posted as JSET (PH Field/ BS-16) at Govt. Special Education Centre, Ahmadpur Sial on 17, February 2021; that her transfer may be made on compassionate grounds; that Ms. Sobia, JSET (PH/ BS-16), was transferred / posted at Govt. Special Education Centre, Pir Mahal, who is her

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batchmate. Hence her case may be treated at par with transfer case of Ms. Sobia; that she applied for transfer to Government Special Education Centres, Jhang and Pir Mahal. However, Mr. Sajjad Hussain has been transferred to Government Special Education Centre, Pir Mahal, despite the fact that he provided incorrect information to the department, claiming a distance of 119 kilometers. Through the portal, the distance of all applicants was reduced, but his distance was shown as higher. After checking through Google, it was found that his actual distance was not more than 25 kilometers. Transfer request of Mr. Sajjad Hussain needs to be rejected; that she is suffering from severe back and leg pain and her son is also ill, therefore, she requested that her application may be accepted on compassionate grounds.

3. **AND WHEREAS**, after considering / examining the record pertaining to the case and scrutinizing the petitioner's application for transfer, the Committee has observed that the petitioner failed to provide required medical certificate at the time of submitting her online transfer request. Moreover, Ms. Sobia, JSET (PH/ BS-16), is senior to the petitioner. The petitioner does not qualify for transfer as per prescribed merit criteria. The distance of Mr. Sajjad Hussain has been rightly calculated. The Committee was of the view that no case of intervention is made out, hence application / representation of the petitioner may be rejected.

4. **AND WHEREAS**, all the available record, including application filed by the petitioner, request made by the petitioner on e-portal and report of Committee has been taken into consideration and it has been noted that transfers executed during the e-Transfer Summer Session 2024 were made strictly based on merit criteria outlined in the Transfer Policy 2022 of Special Education Department and it is evident from the record that the petitioner did not meet the specified merit criteria during that process. Therefore, her transfer request was not allowed. As per record, the petitioner filed application for transfer which was scrutinized by the Committee and after thoroughly examining the record in accordance with the provisions of the Transfer Policy 2022, it was noticed that the case of the petitioner fails to align with the eligibility criteria or merit requirements stipulated in the Transfer Policy 2022. It is observed that no exceptional circumstances or additional grounds have been presented that could justify a deviation from the policy. Moreover, as noted by the Committee, she failed to provide required medical certificate at the time of submitting her online transfer request and the remaining stance of the petitioner was also found to be untenable. In nutshell, the petitioner does not qualify for transfer as per prescribed merit criteria.

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5. **NOW THEREFORE**, in the light of above stated facts, I, **Saima Saeed**, Secretary Special Education / Respondent No.1, after having considered all the aspects and material related to the case conclude that the transfers during the e-Transfer Summer Session 2024 were made strictly based on the merit criteria outlined in the Transfer Policy 2022 of Special Education. The petitioner did not meet the specified merit criteria during that process, and her transfer request was therefore not made out. Based on the above findings, the application for transfer filed by the petitioner is hereby **rejected** being untenable and devoid of merits. The order dated 04.11.2024 passed by the Honourable Lahore High Court, Lahore in Writ Petition No.68757/2024 is complied with in the above stated manner.

Saima Saeed
(SAIMA SAEED)
SECRETARY

Dated Lahore, the
December 20th/2024

GOVT. OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT /
RESPONDENT NO. 1

No. & Date Even:

A copy is forwarded for information and necessary action to:-

1. Assistant Registrar(Writ-I) for Additional Registrar (Judicial), Lahore High Court, Lahore in compliance with the order dated 04.11.2024 passed in Writ Petition No.68757/2024.
2. Director General, Special Education Punjab, Lahore.
3. District Education Officer (Special Education) Faisalabad to ensure delivery of this order to the petitioner under intimation to this department.
4. Principal / Headmaster / Headmistress, Govt. Special Education Centre, Ahmad Pur Sial, District Jhang.
5. Petitioner concerned / **Ms. Nadia Gulnaz**, Junior Special Education Teacher, currently posted at Government Special Education Centre, Ahmad Pur Sial, District Jhang.
6. PS to Secretary Special Education Department, Punjab.

[Signature]
SECTION OFFICER (ESTT-I)
SPECIAL EDUCATION DEPARTMENT