

REGISTERED



GOVERNMENT OF THE PUNJAB
SPECIAL EDUCATION DEPARTMENT

ORDER

No. SO (Estt.) 7-26/2020. WHEREAS, Ms. Amna Arshad, Senior Special Education Teacher (VI Field)(BS-17), Govt. Special Education Centre, Phalia, District M.B.Din filed Writ Petition No. 16818/2021 in the Hon'ble Lahore High Court, Lahore for her transfer to District Lahore on wedlock policy. The instant Writ Petition was disposed of by the Hon'ble Court on 11.03.2021 with the following directions:

"2. Every citizen has an unalienable right to be treated in accordance with law as commanded by Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. It is the duty of the public functionaries to decide the applications made to them with cogent reasons within a reasonable time. Reliance is placed on Government of Pakistan through Director General, Ministry of Interior, Islamabad and others v. Farheen Rashid (2011 SCMR 1) Let a direction be issued to the Secretary, Special Education Department, Govt. of Punjab, Lahore to decide the aforementioned representation of the Petitioner (if the same is still pending) in accordance with law, rules and policy within 30 days from the date of receipt of a certified copy of this order".

2. **AND WHEREAS**, pursuant to the directions of Hon'ble Lahore High Court, Lahore, the petitioner was afforded an opportunity of personal hearing on 20.04.2021. During hearing, the petitioner contended that she is visually impaired lady and her husband is also visually impaired and working in Finance Department, S&GAD, Lahore. Being a visually impaired lady, she has to reside alone at District M.B.Din and thus facing serious hardships to meet her daily life necessities. She further stated that a seat of SSET (Blind Field) at Govt. Secondary School for the Blind Sheranwala Gate, Lahore is going to be vacant after retirement of Mrs. Tehmina Shahid. She requested that she may be adjusted against the said post. At last, the petitioner requested that her application for transfer to Lahore may be accepted and she may be transferred and/or adjusted on any post under Wedlock Policy of Government of the Punjab.

3. **AND WHEREAS**, as per record, the petitioner was appointed as Senior Special Education Teacher (VI Field) (BS-17) on contract basis for a period of five years

and posted at Govt. Special Education Centre, Phalia, District M.B.Din vide order dated 01.12.2020. The post of Senior Special Education Teacher (VI Field) (BS-17) is of provincial cadre and the incumbent is to serve anywhere in Punjab as per offer of appointment accepted at the time of joining. Furthermore, under Section 9 of the Punjab Civil Servants Act, 1974, a civil servant is liable to serve anywhere in the Province. At present no post of Senior Special Education Teacher (VI Field) is lying vacant at Lahore and even otherwise the petitioner cannot claim posting at a particular station or at the place of her own choice.

4. **AND WHEREAS**, record further shows that Provincial Cabinet in its 39th meeting held on 17.12.2020 has approved the "Transfer Policy-2020" of Special Education Department which has been notified on 09.03.2021 and published in official Gazette. The Transfer Policy has been implemented by the Department and general ban on transfer/posting has been imposed. Transfer Policy-2020 of Special Education provides that the requests for the transfer of the teachers shall be entertained during summer vacations as per the schedule notified by the Special Education Department each year and minimum tenure of three years shall be observed. No transfer shall be made except against the vacant post, in addition thereto regarding post-specific criteria for posting/transfer the Policy ibid provides as follows;

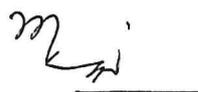
"2. There shall be general ban on transfer/ posting. Teaching/ non-Teaching staff and allied professionals of Special Education Department can be posted anywhere in Punjab against the cadre posts. No officer/ official shall claim posting against a particular post or station as a right. There will be a post specific merit based criteria for every vacant post. The requests for the transfer of the teachers shall be entertained during summer vacations as per the schedule notified by the Special Education Department each year. Minimum tenure of three years shall be observed. No transfer shall be made except against the vacant post.

3. The post-specific criteria for posting/transfer is as follows:

i.	Service in far flung area	30 marks
ii.	Seniority	10 marks
iii.	Wedlock	15 marks
iv.	Compassionate Grounds	10 marks
v.	Disability	20 marks
vi.	Academic Results	15 marks

i) **Service in far-flung area (Maximum Marks = 30)**

The applicants shall not be awarded any mark for first three years after recruitment or promotion. The marks shall be awarded on yearly basis in accordance with the distance (one side) as given below:



- a. Upto 25 KM - No marks.
 - b. From 26 to 50 KM - 2 marks per year.
 - c. From 51 to 100 KM - 3 marks per year.
 - d. From 101 KM and beyond - 5 marks per year.
- A complete one year shall be considered for award of marks.
 - In case of any dispute, the global positioning shall be used for distance calculations.
- ii) **Seniority (Maximum Marks = 10)**
- No marks for first three years in the relevant grade after recruitment or promotion.
 - After three years, for each year served in the same substantive post, the applicant shall get two (02) marks.
- iii) **Wedlock (Maximum Marks = 15)**
- All claims for transfer on wedlock basis are subject to availability of the post and production of Nikah Nama and domicile of the spouse.
 - No marks for wedlock if the spouses are placed within same district.
 - The applicant shall be eligible to get 15 marks if he / she applies for transfer on wedlock basis.
- iv) **Compassionate Grounds (Maximum Marks = 10)**
- If the female applicant is a widow or divorced she will get 10 marks subject to production of death/ divorce certificate.
- v) **Disability (Maximum Marks = 20)**
- The disability for this purpose will be counted which hinders mobility. A disabled applicant shall get 20 marks subject to production of disability certificate from the Standing Medical Board.
 - The spouse of disabled applicant shall be eligible to get 10 marks subject to production of disability certificate from the Standing Medical Board.
- vi) **Academic Results (Maximum Marks = 15)**
- Mean Score achieved by the students in the examinations of terminal classes i.e. 5th, 8th, 10th and 12th will be the score of applicant, out of 15 marks.
 - Mean Score of all the students appeared in examination for the last three years will be considered for the purpose of allocation of marks. In case of dispute, result copies to be considered.
 - For the teachers it will be mean score of the subjects being taught by them while for the head teachers it will be the mean score of their relevant terminal classes i.e. Grade V, VIII, X and XII.
 - Those who are not teaching terminal classes like grade V and VIII, the mean score of the relevant terminal classes of the school will be considered as their mean score.



- The teachers and Head Teacher who fail to ensure appearance of their students in terminal classes i.e. Grade V, VIII, X and XII shall be awarded zero score.

Note: All claims including wedlock, compassionate grounds, disability and others are subject to availability of vacancy and cannot be claimed as aright. "

5. **NOW, THEREFORE,** in the light of above stated facts, I, Muhammad Hassan Iqbal, Secretary Special Education / Respondent, after perusing the record, material related to the case and hearing the Petitioner at length direct the Petitioner to apply for transfer online as and when the transfers are allowed by the Department as per provisions contained in Transfer policy-2020. The application of Petitioner is hereby **disposed of** in these terms.



(MUHAMMAD HASSAN IQBAL)
SECRETARY SPECIAL EDUCATION/
RESPONDENT

Dated Lahore, the
April 29th /2021

No. & Date Even:

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

1. Deputy Registrar (Judicial), Lahore High Court, Lahore in compliance with orders dated 11.03.2021 in Writ Petition No. 16818/2021.
2. Director General, Special Education, Punjab, Lahore.
3. District Education Officer (Special Education), Gujranwala.
4. Head of institute concerned.
5. P.S. to Secretary Special Education Department.
6. Master File.



SECTION OFFICER (Estt.)