

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

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**Civil Writ Petition No.10719 of 2015
Date of Decision:26.05.2015**

Ajaib Singhpetitioner

Versus

Principal Secretary, Govt.of Punjab and othersrespondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

- 1.Whether Reporters of local papers may be allowed to see the judgement?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr.Surmukh Singh, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, so as to direct the respondents to consider the claim of the petitioner for promotion to the post of (Group A) Principal, in terms of the Punjab Education (School) Education Service (School & Inspection) Rules, 2004 (for short 'the Rules'), from the date persons junior to the petitioner i.e.respondents No.5 to 7 were promoted with all consequential benefits. And in the alternative, a direction be issued to respondent No.1 to consider and decide the representations made by the petitioner i.e.dated 20.01.2015, 11.02.2015 and 04.05.2015 (Annexures P13, P14 and P16, respectively).

It is averred that the petitioner is blind from the left eye. He was appointed as Maths Master against the post earmarked for disabled persons. He was promoted as lecturer in Mathematics on

14.08.1997. Notification that envisaged 3% reservation in promotion for the disabled persons, was issued on 05.07.2011. As a result, 140 lecturers were promoted including two who were blind. Though, on 11.05.2012, claim of the petitioner for promotion was forwarded by respondent Nos.3 and 4, to respondent No.2 and DPC was convened on 16.01.2013. But for no tangible reason, petitioner was ignored, though other eligible candidates were promoted. So much so, on 01.04.2013, promotion orders were issued to one Sh.Harnek Singh, who was at No.3206 in the seniority list and Surinder Kumar, who was at No.2617. Both belonged to the category of the petitioner and were junior to him as he was placed at No.2328-A in the seniority list, yet petitioner was ignored. Claim of the petitioner purports to have been sent with the necessary documents to the higher authorities for consideration for promotion on 14.10.2013. But to no avail. Eventually, petitioner represented to respondent No.1, vide representation dated 20.01.2015(Annexure P13) but that too has failed to evoke any response. So was the fate of the two successive representations dated 11.02.2015 and 04.05.2015 (Annexures P14 and P16).

Learned counsel for the petitioner submits that the inaction at the instance of the respondents is writ large on the face of the record. He further submits that claim of the petitioner for promotion continues to await consideration by the respondents. Learned counsel for the petitioner contends that let this petition be disposed of, only with a direction to respondent No.1 to consider and decide the representations (Annexures P13, P14 and P16) made by

the petitioner, within a specified time.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to respondent No.1 to consider and decide the claim of the petitioner as set out in his representations dated 20.01.2015, 11.02.2015 and 04.05.2015 (Annexures P13, P14 and P16), strictly, in accordance with law, within a period of two months, from the receipt of the certified copy of this order. Needless to assert, a comprehensive order shall be passed assigning reasons, in support of the decision arrived at.

26.05.2015

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(ARUN PALLI)
JUDGE