

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

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**Civil Writ Petition No.11931 of 2015
Date of Decision:13.07.2015**

Shashi Sharma

....petitioner

Versus

State of Punjab and others

.....respondents

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.Sukhdev Kamboj, Advocate
for the petitioner

ARUN PALLI, J.(ORAL):-

A writ in the nature of mandamus is prayed for, so as to direct respondent No.1, to consider the claim of the petitioner for promotion to the post of Head Mistress w.e.f.02.04.2012 i.e.the date when persons junior to the petitioner i.e.respondent No.3 was promoted vide order dated 06.01.2014 (Annexure P5) with all consequential benefits.

Petitioner is visually impaired and was appointed as JBT teacher on 16.02.1982. She was promoted as Punjabi Mistress, and joined on 14.12.2000. The service conditions of the petitioner in the cadre are governed by the State Education Class III (School Cadre) Service Rules, 1978 (for short 'the Rules'), and the criteria for promotion to the post of Head Master/Head Mistress, is envisaged in Appendix 'B' to the Rules (Annexure P2). Petitioner being fully

eligible for promotion as Head Mistress submitted her claim on 03.11.2011. However, for no tangible reason, she was not considered. Again, she re-submitted her case for consideration for promotion to the post of Head Mistress on 02.07.2012 but once again the result was the same. Eventually, on 19.10.2012, all left out cases of eligible Masters/Mistresses, for promotion were requisitioned. As number of cases sent by the DEOs were not complete in all respects, the Department vide memo dated 14.08.2013, issued instructions to the Circle Education Officers Jalandhar, Nabha and Faridkot, to process and complete all those cases from the concerned District Education Officers by a particular date i.e.26.08.2013 (Annexure P3). The petitioner has been assigned seniority No.1683 in the seniority list dated 06.08.2013. Vide order dated 06.01.2014, the Department had promoted 49 Masters including respondent No.3, to the post of Head Master. And in the said promotion order, the seniority position assigned to respondent No.3, is at seniority No.12183, whereas in the seniority list dated 06.08.2013 (Annexure P5), the petitioner is shown to be at seniority No.1683.

It is maintained that the statutory rules rather envisage that a senior incumbent is to be considered for promotion in the first instance, whereas in the matter in hand, the Department has promoted a person junior to the petitioner. That being so, the petitioner purports to have represented the respondents vide representation dated 29.04.2014 (Annexure P6), but to no avail. So much so, prior to the institution of this petition, petitioner once again

represented to the respondents, vide yet another representation dated 24.04.2015 (Annexure P7), but that too has failed to evoke any response.

Learned counsel for the petitioner submits that, at this stage, let this petition be disposed of, only, with a direction to the respondents to consider and decide the representations (Annexure P6 and P7) submitted by the petitioner, within a specified time, as a considerable time has elapsed.

That being so, and, without expressing any opinion on merits, the instant petition is disposed of with a direction to the respondents to consider and decide the claim of the petitioner as set out in his representations dated 29.04.2014 and 24.04.2015 (Annexure P6 and P7), strictly, in accordance with law, within a period of three 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.

13.07.2015

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(ARUN PALLI)
JUDGE