

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

CWP No.23256 of 2013 (O&M)
Date of decision: 13.2.2015

Om Parkash

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Ram Niwas Sharma, Advocate for the petitioner.

Mr.Gagandeep S. Wasu, Addl. Advocate General, Haryana.

RAJESH BINDAL, J

The petitioner, who is working as Principal, is seeking a direction to the respondents to grant him promotion to the post of Deputy Director/District Education Officer/District Primary Education Officer/Principal District Institute of Education and Training and Programme Officer (Class-I) by giving him benefit of reservation in promotion. For the purpose, reliance is sought to be placed on the instructions issued by the Government on 24.1.1991.

The issue regarding reservation in promotion was considered by Hon'ble the Supreme Court in the case of M. Nagaraj and others v. Union of India and others, (2006) 8 SCC 212, wherein while interpreting Article 16(4-A) of the Constitution of India, it was opined that the same was merely enabling provision providing for reservation in promotion. The State before framing policy providing for reservation in promotion should have quantifiable data showing representation of the reserved category employees in the cadre. The policy issued by the Government dated 24.1.1991 providing for reservation was specifically superseded vide policy issued on 28.2.2013, which was struck off by this court vide judgment dated 14.11.2014 in CWP No.25512 of 2012—Rajbir Singh v. State of Haryana and others. In any case, the policy sought to be relied upon by the petitioner seeking reservation to the post of Principal, does not provide for reservation

in promotion, as the same pertains to reservation in direct recruitment.

Considering the aforesaid facts, I do not find any merit in the present petition and the same is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

13.2.2015

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