

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27098-2015

Date of decision: December 23, 2015

Uday Vir Singh

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present:- Mr. Naveen S. Bhardwaj, Advocate,
for the petitioner.

HARINDER SINGH SIDHU, J.

The petitioner was appointed as JBT Teacher in the respondent school in the year 1986. The petitioner is aggrieved of the non consideration of his case for promotion to the post of SS Master.

Learned counsel for the petitioner states that the petitioner is fully qualified for promotion to the post of SS Master in terms of Haryana School Education Rules, 2003 and he fulfils the qualification required for the said post. The respondent-school had passed Resolution dated 07.01.2007 for seeking permission from the Commissioner-cum-Director General, School Education for filling up the post of SS Master consequent upon the retirement of one Shri Mahender Singh Yadav. The Commissioner-cum-Director General, School Education, Haryana vide his letter dated 24.08.2007 had accorded permission of the respondent-School to fill up the post of SS Master by promotion.

In the letter, it was stated that the school management is to fill up the post by promotion as per Rule 73 by constituting a selection committee including one departmental representative in terms of Rule 74 of Haryana School Education Rules, 2003. One member of the Selection Committee shall be the departmental representative. Request for departmental nominee should reach in the office one month earlier from the date of interview.

Thereafter, the service book of the petitioner was forwarded to the District Education Officer for necessary action. However, the matter has has rested at that and no action has been taken regarding consideration of the claim of the petitioner for promotion. The petitioner has been repeatedly representing to the respondents but without any fruitful result. In this regard, he has also submitted a legal notice dated 01.11.2015 (Annexure P-8).

Learned counsel for the petitioner states that as the necessary permission for his promotion has already been accorded way back in the year 2007, there is no justification on the part of respondent No.4 to not to take any action to fill the post of SS Master by promoting the petitioner.

Learned counsel for the petitioner states that at this stage the petitioner would be satisfied if a direction is issued to respondent No.4 to take a decision regarding the issue of promotion in the light of the permission already accorded for the said purpose.

Accordingly, without in any way commenting on the merits of this case, this petition is disposed of with a direction to respondent No.4 to take a decision on the claim of the petitioner for promotion to the post of SS Master as contained in his legal notice (Annexure P-8), expeditiously.

If in furtherance of the aforesaid decision, a request for nomination of a deparmental nominee is sent by respondent No.4 to respondent No.2, respondent No.2 would nominate at the earliest so that any unnecessary delay is avoided.

Disposed of.

23.12.2015

dkw

**(HARINDER SINGH SIDHU)
JUDGE**