

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

CWP-5388-2015

Date of Decision : 28.04.2015

Bharat Bhushan

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. S.K. Sharma Budhladawale, Advocate
for the petitioner.

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

ARUN PALLI, J. (ORAL)

A writ in the nature of certiorari is prayed for to quash the order dated 10.09.2014 (Annexure P-15), passed by respondent No.2 vide which the claim of the petitioner for promotion to the master cadre in Math w.e.f. 8.1.2006 i.e. when persons junior to the petitioner were promoted, has been declined.

In the year 2006, the department had sought the necessary records as regards ETT/JBT/C&V cadre teachers for consideration of their promotion to the Master Cadre. Orders of promotion as regards the eligible candidates, who possessed the requisite qualifications for Master cadre were accordingly issued. The essential qualification that is envisaged under the Punjab State Education Class III (School Cadre) Rules, 1978 as amended in 1995, qua Math Master/Mistress is :

“Graduate with Mathematics one of the elective subject in Graduation.

Or

***B.A. with Physics and Mathematics a Course with
B.T. or B.Ed or Senior Basics Trained.”***

Whereas, the academic qualifications of the petitioner as tabulated in the order being assailed is:

S. No.	Qualification	Date of Passing	Remarks
1	B.Com	1986	
2	M.Com	1988	
3	B.Ed	1995	With teaching subject of Commerce and S.S.
4	B.A. (Elective Math)	25-09-2012	

Ex facie, the petitioner acquired the requisite qualification for consideration for promotion to the Master cadre only on 25.09.2012 i.e. after qualifying Math examination at Graduation level. Thus, the claim of the petitioner that he was entitled to be considered for promotion w.e.f 8.1.2006, when Simarjit Kaur (person junior to the petitioner), was promoted was wholly misconceived and misplaced. Further, concededly petitioner submitted his claim for consideration for promotion to the post of Maths Master, through District Education Officer, only on 25.08.2010 and, thus, there could not be any occasion to consider him w.e.f 08.01.2006.

Learned counsel for the petitioner could not point out as to how the conclusion that has been arrived at by respondent No.2 in the order dated 10.09.2014 (Annexure P-15) that is being assailed, is either contrary to the position on record or erroneous in law.

That being so, no interference in exercise of extraordinary jurisdiction under Article 226 of the Constitution is warranted.

Petition being bereft of merit is accordingly dismissed in limine.

(ARUN PALLI)
JUDGE

28.04.2015
'SP'