

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

Civil Writ Petition No.692 of 2015

Date of Decision: April 08, 2015

Ashwani Kumar & others

...Petitioners

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Jagbir Malik, Advocate,
for the petitioners.
Mr.Ravi Pratap Singh, AAG, Haryana,
for the State.
Mr.Raje Ram Kaushik, Advocate,
for respondent Nos.5,21,41 and 47.
Mr.Harish Bhardwaj, Advocate,
for respondent No.10.
Mr.Rajinder Singh Mann, Advocate,
for respondent Nos.12 and 50.
Mr.Shiv Kumar, Advocate,
for respondent Nos.18 and 46.
Mr.Rahul Sharma, Advocate,
for respondent No.22.
Mr.K.L.Saini, Advocate,
for Mr.S.K.Verma, Advocate,
for respondent Nos.23, 34 and 45.
Mr.S.K.Yadav, Advocate,
for respondent Nos.26 & 29.
Mr.Sumit Sangwan, Advocate,
for respondent No.32.
Mr.Virender S. Punia, Advocate,
for respondent No.40.
Mr.Gaurav Jain, Advocate,
for respondent No.42.
Mr.P.L.Verma, Advocate,
for respondent No.31.

AMIT RAWAL, J. (Oral)

The present writ petition has been filed on behalf of eight

petitioners for quashing of the seniority list of Lecturers (School Cadre) as on 1.10.2011 finalised and circulated by the Director, Secondary Education, Haryana, Shiksha Sadar, Sector 5, Panchkula-respondent No.2 on the premise that it had not followed the principles of natural justice and it has been proposed in the list, whereby the petitioners have been made junior to the persons who were undisputedly shown below the petitioners in the seniority list and as well as the impugned letter dated 23.12.2014.

Upon notice of motion, State has filed a short reply, wherein it has been stated that the impugned seniority list (Annexure P-1) is not a final seniority list, but only provisional. Respondent No.2 is directed to finalise the seniority list after following the principles of natural justice as well as take into consideration the date of entry into service and merit list of selection of the Lecturers as well as Government instructions.

It has been further stated that the new tentative seniority list of Lecturers (School Cadre) was prepared keeping in view the observations as desired by the competent authority and it was circulated vide letter dated 7.11.2014.

Since it has come in the reply of the State that the seniority list, under challenge, is tentative and not final, Mr.Jagbir Malik, learned counsel for the petitioners submits that he will file objections to the provisional seniority list and the respondents shall afford the petitioners a personal hearing by giving adequate opportunity to explain and apprise the respondents qua their placement in the seniority list. The prayer of Mr.Malik is fair and justified.

In view of the aforementioned prayer, the writ petition is

disposed of with the following directions:-

- a) In case the petitioners/private respondents/effectuated persons file the objections to the tentative seniority list, the same shall be considered and decided by the respondents passing a detailed and reasoned order in accordance with law. In essence, petitioners shall be given opportunity of hearing;
- b) Till the seniority list is finalised, in order to avoid the complicity and anomalous situation, much less, discrimination, the State shall not take any action in pursuance to the impugned seniority list;
- c) It is expected that the State shall undertake the exercise of considering the directions within a reasonable time, preferably within a period of three months.

April 08, 2015
ramesh

(AMIT RAWAL)
JUDGE