

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

116

Civil Writ Petition No.9033 of 2015

Date of Decision: May 08, 2015

Sukhjinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sunny Singla, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners, who were initially appointed as JBT Teachers, stand promoted to the post of Masters/Mistresses as per their own turn they being General Category employees. The Scheduled Caste employees, who were junior to the petitioners in the JBT Cadre, were promoted to the post of Masters/Mistresses as per the reservation policy prior to the petitioners. On promotion, petitioners are entitled to the grant of benefit of seniority over and above the reserved category candidates who had marched over them for promotion to the higher post because of reservation policy of the State of Punjab. In the light of the judgment passed by the Hon'ble Supreme Court in the case of *Ajit Singh Janjua and others Versus State of Punjab and others*, JT 1999 (7) SC 153, State of Punjab has issued instructions dated 22.10.1999 which would entitle the claim, as has been made by the petitioners in the present writ petition. Respondents, so far as the fixing of the seniority in the case of Head Teachers is concerned, have complied with these instructions but in the case of Masters/Mistresses, the instructions

dated 22.10.1999 (Annexure P-1) have not been given effect to till date. Aggrieved with the action on the part of the respondents, petitioners have served a legal notice dated 22.04.2014 (Annexure P-6) upon the respondents but till date, no response has been received from them nor has the seniority been re-assessed and re-fixed.

Counsel for the petitioners contends that the petitioners, at this stage, would be satisfied if a direction is issued to the Director of Public Instructions (Secondary Education), Punjab-respondent No. 2 to consider and decide the legal notice dated 22.04.2014 (Annexure P-6), within some specified time.

Without going into the merits of the case or commenting thereon, the present petition is disposed of with directions to the Director of Public Instructions (Secondary Education), Punjab-respondent No. 2 to consider and decide the legal notice dated 22.04.2014 (Annexure P-6) within a period of five months from the date of receipt of certified copy of this order. Decision so taken be conveyed to the petitioners forthwith.

May 08, 2015

Puneet

**(AUGUSTINE GEORGE MASIH)
JUDGE**