

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15148 of 2013

Date of Decision: 26.07.2016

Jagdish Chander and another

... Petitioners

Versus

The State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.N. Lohan, Advocate,
for the petitioners.

Ms. Shruti Jain Goel, AAG, Haryana.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

For two reasons, the petition has to be dismissed. Firstly, no person junior to the petitioners in the cadre of Hindi teachers was promoted to the post of Lecturer (School Cadre) or after the revision of rules, as Post Graduate Teacher which designation stands changed after amendment carried out in the rules which came into force in 2012 called The Haryana State Education School Cadre (Group-B) Service Rules, 2012. The other reason is that seniority was maintained subject-wise and, therefore, it could not be said that persons teaching other subjects were either junior or senior to the petitioner because they have separate and channelized right of promotion to the higher post in their own subject, where one cannot step over the other. Still further, if the petitioners think that their rights were infringed in 2007 they did not approach Court to seek the legal remedy till 2013 and that too after promulgation of the new rules. The new rules

admittedly render the petitioners ineligible for promotion because they do not possess the B.Ed. degree and are thus no qualified or eligible for promotion and for the reasons recorded above, interference is not called for, which reasons entail dismissal of the petition. The petition is rejected.

(RAJIV NARAIN RAINA)
JUDGE

26.07.2016
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