

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

***CWP No.14580 of 2016 (O&M)
Date of decision : 10.08.2016***

Dalbir Singh and others

....Petitioners

Vs.

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Anurag Goyal, Advocate for the petitioners.

Mr. Ravi Pratap Singh, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J.

Challenge in the present petition is to the action of the respondent/authorities whereby the petitioners who had earlier been promoted to the post of Elementary School Head Masters have been reverted to the feeder cadre post.

Counsel appearing for the petitioners would submit that the action of reversion is ostensibly based towards compliance of a judgment dated 22.12.2015 passed by a Coordinate Bench of this Court in ***CWP No.4301 of 2013 titled as Sartaj Singh Dhanda & others versus State of Haryana & others.***

The precise contention raised is that the aspect as regards the petitioners being eligible for promotion even under the Haryana School Education (Group 'C') State Cadre Service Rules, 2012 (hereinafter referred to as 'the 2012 Rules') has been completely overlooked while passing the orders of reversion.

When the instant petition had come up for preliminary hearing on 25.07.2016, notice of motion was issued and learned State counsel had

been directed to complete instructions in the matter.

During the course of resumed hearing today, Mr. Ravi Pratap Singh, learned Assistant Advocate General, Haryana upon instructions from Dr. Virender Dahiya, HCS, Additional Director, Elementary Education, Haryana would very fairly submit that the State Government is open to reconsider the matter and to pass orders afresh in respect of the petitioners herein as also other identically situated employees and after going into the issue of eligibility of each one of them to hold the promoted post of Elementary School Head Masters in the light of the 2012 Rules.

In the light of such categorical stand taken on behalf of the State, the instant petition is disposed of in terms of setting aside the order dated 01.07.2016 at Annexure P-5 in terms of which the petitioners have been reverted from the post of Elementary School Head Master.

Liberty is granted to the petitioners to approach the Director, Department of Elementary Education, Haryana in terms of submitting detailed written submissions and in support of their eligibility under the 2012 Rules. Needful shall be done within a period of one week from today.

Respondent No.2 i.e. the Director, Department of Elementary Education, Haryana would be obligated to thereafter examine the matter particularly in the light of eligibility of the petitioners to be promoted to the post of Elementary School Head Master under the 2012 Rules and thereafter pass an order afresh within a period of eight weeks.

It is clarified that setting aside of the impugned order of reversion of the petitioners shall not be construed as an opinion of this Court on the merits of the case. Still further the right of the petitioners to hold the promotional post of Elementary School Head Masters would be

subject of the outcome of the fresh order to be passed in compliance of this order.

Petition is disposed of.

10.08.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |