

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

Date of decision:06/09/2016

Naveeta Rani

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Madhav Pokhrel,Advocate for the petitioner

Mz.Sudeepti Sharma,DAG Punjab for respondents 1 to 4

Mr.KK Garg,Advocate for respondent no.5.

Jaswant Singh,J(Oral)

Petitioner joined as an ETT Teacher in the female cadre on 10.12.2001 for teaching the students of Primary schools. She possessed the qualification of +2, B.A. And ETT. Subsequently on 31.10.2005 she acquired the qualification of B.Ed.

Director Public Instruction (SE) Punjab issued a circular dated 21.2.2005 requiring the forwarding of cases of eligible JBT/C&V teachers for promotion as Masters/Mistresses in their respective promotion quota and for the Male and Female category. It was specified that the essential qualification of B.Ed., for promotion as per the statutory rules should have been acquired by 31.3.2005. Since the petitioner had not acquired the qualification of B.Ed. by the said date, her name was not forwarded.

Prayer made in the present petition is for a mandamus to promote the petitioner to the post of Social Studies Mistress from 20.11.2005 i.e. the date her junior-Narwinder Singh/respondent no.5 was promoted as Social Studies Master.

Upon notice written statement has been filed by the official respondents and private respondent no.5.

In the written statement it is submitted that the posts of Masters/ Mistresses is governed by the Punjab State Education Class-II (School Cadre)Service Rules,1978 (for short 1978 Rules). Rule 3 of 1978

Rules read with Appendix A provide for a separate cadre between Male and Female and thus separate seniorities have been maintained in the two cadres. It is not disputed that even the post of JBT/ETT Teachers is governed by Punjab Primary Cadre School Rules,1997 which envisage a separate cadre between Male and Female in the ETT Cadre. Thus, respondent no.5-Narwinder Singh does not have a common seniority with the petitioner who belongs to female cadre.

At the time of hearing it is not disputed by the counsel for the parties that a learned Division Bench of this Court in **Neelam Rani v State of Punjab,2010(1)SCT 588, decided on 8.1.2010** had struck down the rule providing for a separate cadre for Males and Females and commanded that a joint seniority list shall be framed and future appointments would be made out of such seniority. However, the judgment was to operate prospectively and all promotions made earlier were protected.

In the present case respondent no.5 stood already promoted in the year 2009 and was thus, protected from any disadvantage. It is not in dispute that prior to the decision in **Neelam Rani's** case (supra) in the female cadre of the petitioner in the ETT Cadre, none junior to the petitioner has been promoted as Mistress as also after framing of the joint cadre. Thus viewed, this petition is liable to dismissed.

For the reasons stated above,finding no merit in this writ petition the same is hereby dismissed.

06/09/2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No