

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

**Civil Writ Petition No.16275 of 2016
Date of Decision: 17.10.2016**

Balwinder Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ajay Pal Singh Rehan, Advocate for the petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (Oral)

The petitioner was appointed as a Primary Teacher by way of direct recruitment on 15.11.1996 with the Department of Education (Primary), Govt. of Punjab. He was promoted as a Head Teacher vide order dated 17.06.2011 by ignoring the claim of certain other ETT Teachers, who were placed senior to him in the revised seniority list of ETT/JBT Teachers, finalized in the year 2010. Such aggrieved senior Teachers filed CWP No.25453 of 2014 seeking their promotion based on the revised seniority, wherein the petitioner was also arrayed as a respondent. The said writ petition was disposed of by directing the authorities to reconsider the issue, resulting into the petitioner being reverted vide order dated 21.08.2015 (**Annexure P-2**). The petitioner filed CWP No.24346 of 2015 challenging the order dated 21.08.2015 (**P-2**), which was disposed of vide order dated 19.11.2015 (**Annexure P-3**) directing the authorities to pass a fresh reasoned order. In compliance of **P-3**, an order dated 25.07.2016 (**Annexure P-7**) has been passed, which has been impugned in the present writ petition.

Upon notice, a reply has been filed, wherein it has been stated that the seniority of the petitioner prior to the year 2010 was not properly framed as it was not in accordance with the merit determined by the Selection Committee. Hence, on acknowledging the higher claim of the senior ETT/JBT Teachers, the petitioner was liable to be reverted.

At the time of hearing, learned State Counsel submits that fresh promotions to the rank of Head Teachers have been made vide order dated 10.10.2016, wherein the name of the petitioner finds mentioned at Sr. No.213 based on his revised seniority. She thus submits that the primary grievance of the petitioner stands redressed.

As regards the contempt notice to Sh. Salwinder Singh, District Education Officer (Elementary Education), Gurdaspur, she submits that an affidavit dated 29.09.2016 has been filed by him explaining the circumstances, resulting into passing of the order (P-7). In compliance of the orders of this Court, Sh. Salwinder Singh, DEO is present in Court and has tendered unqualified apology and further assures the Court that in future, he will be extremely careful.

The apology with the assurance is accepted.

At this stage, learned Counsel for the petitioner submits that the present petition has become infructuous.

In view of the above, the present petition is dismissed as infructuous.

October 17, 2016

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(JASWANT SINGH)

JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>