

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

Date of decision: 28.11.2016

CWP No.16487 of 2016

Gulab Singh

...Petitioner

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jasbir Mor, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner holds the degree of M.A. (Political Administration). He has been ignored for promotion as PGT (Political Science) because of lack of possessing the essential qualification prescribed in Appendix B of the Haryana State Education School Cadre (Group B) Service Rules, 2012 (for short '2012 Rules'). Rule 7 at Sr.No.6 of Appendix B lays down the qualifications for the post of PGT (Political Science) 'by direct recruitment' and 'by promotion'. For both 'by direct recruitment' or 'by promotion', the minimum essential qualification is M.A. (Political Science) with at least 55% marks and B.Ed. from a recognized University. It is only by way of transfer or deputation that degrees of both M.A. (Political Science) and M.A. (Political Administration) are acceptable.

Ex facie, on reading the rule of promotion, the petitioner has no case because he is not M.A. (Political Science). However, in direct recruitment process initiated by the Haryana Staff Selection Commission vide Advt. No.4/2015 dated 28.06.2015, the essential qualifications have been relaxed by the Additional Chief Secretary to Government of Haryana,

School Education Department vide Memo No.8/6-2015 Co(1) dated 28.09.2015. This decision amends the essential qualification for the post of PGT (Political Science), which read as under:

“(i) E.Q. M.A. Political Science or M.A. Public Administration with at least 50% marks and B.Ed. from recognized University.”

If M.A. (Public Administration) has been equated with M.A. (Political Science), then there appears to be no reason why the decision of the Additional Chief Secretary should not be read into the Rules and to accommodate a candidate with M.A. (Political Administration) to be considered for the post of PGT (Political Science). I would have put the State to notice on this issue, but Mr. Mor emphasizes and persuades that as a result of earlier litigation Ashok Kumar, who is similarly situated qualification-wise as the petitioner, has been promoted as PGT (Political Science) vide order dated 24.10.2016. He submits that on the same analogy, one Uma Kant Walia has been also promoted as PGT (English) though he holds the degrees of M.A. (English) and M.A. (Political Science).

Since a administrative precedent has been cited then the request of Mr. Mor is accepted that this Court without expressing any opinion on the issue involved, directs the State department to consider the case of the petitioner for promotion to the post of PGT (Political Science) on the analogy of Ashok Kumar and judgments rendered in case of Uma Kant Walia, the text of which is placed at Annex P-16. The order dated 24.10.2016 promoting Uma Kant Walia and Ashok Kumar is retained on record as Mark-A.

The respondents are directed to consider the claim of the petitioner for promotion in accordance with law within a period of one month from the date of receipt of certified copy of this order. Department

would need to examine the issue of equating the two posts to achieve the result of promotion, if law permits.

With these directions and observations, the instant petition stands disposed of.

28.11.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*