

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

1. CWP No.185 of 2014

Sweety Badwal and Ors.

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

2. CWP No.19024 of 2013

Charanjit Singh & Ors.

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

3. CWP No.20129 of 2013

Vinod Kumar

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

4. CWP No.19367 of 2013

Mewa Singh & Ors.

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

5. CWP No.20243 of 2013

Jasvir Kaur

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

6. CWP No.20410 of 2013

Lakhvir Singh & Ors.

CWP No.185 of 2014

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....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

7. CWP No.20744 of 2013

Mohinder Singh & Ors

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

8. CWP No.21073 of 2013

Harbans Lal and Ors.

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

9. CWP No.21629 of 2013

Gurminder Singh & Anr.

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

10. CWP No.21728 of 2013

Lakha Singh and Ors

....Petitioners

Vs.

State of Punjab and Anr.

....Respondents

11. CWP No.22677 of 2013

Shivalika

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

12. CWP No.25506 of 2013

CWP No.185 of 2014

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Manjinder Singh and Ors

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

13. CWP No.26177 of 2013

Baljinder Singh

....Petitioner

Vs.

State of Punjab and Another

....Respondents

14. CWP No.26339 of 2013

Jasvinder Singh Garewal

....Petitioners

Vs.

State of Punjab and Anr.

....Respondents

15. CWP No.26383 of 2013

Paramnjit Singh and Anr.

....Petitioners

Vs.

State of Punjab and Anr.

....Respondents

16. CWP No.27987 of 2013

Daniel & Anr.

....Petitioners

Vs.

State of Punjab and Another

....Respondents

17. CWP No.28302 of 2013

Lalit Kumar and Ors.

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

18. CWP No.8845 of 2013

CWP No.185 of 2014

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Kuldip Singh and Ors.

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

19. CWP No.14101 of 2016

Jagdeep Singh and Ors.

....Petitioners

Vs.

State of Punjab and Anr.

....Respondents

20. CWP No.1302 of 2014

Salochana Rani

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

21. CWP No.1177 of 2014

Meenu Dutta and Anr.

....Petitioners

Vs.

State of Punjab and Anr.

....Respondents

22. CWP No.1175 of 2014

Ajay Pal Singh and Ors.

....Petitioners

Vs.

State of Punjab and Another

....Respondents

23. CWP No.13351 of 2014

Chamkaur Singh and Ors.

....Petitioners

Vs.

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State of Punjab and Anr.

....Respondents

24. CWP No.14136 of 2014

Manjit Singh and Anr.

....Petitioners

Vs.

State of Punjab and Anr.

....Respondents

25. CWP No.1651 of 2014

Sukhwinder Singh & Anr.

....Petitioners

Vs.

State of Punjab and Others

....Respondents

26. CWP No.1793 of 2014

Baldev Singh

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

27. CWP No.183 of 2014

Rajesh Kumar and Ors.

....Petitioner

Vs.

State of Punjab and Others

....Respondents

28. CWP No.184 of 2014

Anil Kumar and Ors.

....Petitioners

Vs.

State of Punjab and Others

....Respondents

29. CWP No.1881 of 2014

CWP No.185 of 2014

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Neeta Sharma

....Petitioner

Vs.

State of Punjab and Others

....Respondents

30. CWP No.1924 of 2014

Jaspreet Kaur

....Petitioner

Vs.

State of Punjab Th. Principal Secy and Ors.

....Respondents

31. CWP No.2538 of 2014

Kuldip Singh and Ors.

....Petitioners

Vs.

State of Punjab and Others

....Respondents

32. CWP No.2807 of 2014

Suman Bala and Ors.

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

33. CWP No.2949 of 2014

Avtar Singh

....Petitioner

Vs.

State of Punjab and Others

....Respondents

34. CWP No.2965 of 2014

Jaswinder Singh & Anr.

....Petitioner

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Vs.

State of Punjab and Others

....Respondents

35. CWP No.3619 of 2014

Paramjit Kaur

....Petitioner

Vs.

State of Punjab and Others

....Respondents

36. CWP No.3918 of 2014

Bhinderpal Kaur

....Petitioner

Vs.

State of Punjab and Others

....Respondents

37. CWP No.4022 of 2014

Amardeep Singh and Ors.

....Petitioner

Vs.

State of Punjab and Others

....Respondents

38. CWP No.4024 of 2014

Bhupinder Singh

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

39. CWP No.413 of 2014

Dinesh Thakur and Ors.

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

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40. CWP No.470 of 2014

Jaiya Parveen Sharma and Ors.

....Petitioner

Vs.

State of Punjab and Others

....Respondents

41. CWP No.560 of 2014

Parbhat Bhushan Sharma

....Petitioner

Vs.

State of Punjab and Others

....Respondents

42. CWP No.561 of 2014

Kishori Lal and Ors.

....Petitioner

Vs.

State of Punjab and Others

....Respondents

43. CWP No.5964 of 2014

Dinesh Kumar

....Petitioner

Vs.

State of Punjab and Others

....Respondents

44. CWP No.640 of 2014

Sahaita Rani

....Petitioner

Vs.

State of Punjab and Others

....Respondents

45. CWP No.6904 of 2014

Raj Kumar

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....Petitioner

Vs.

State of Punjab and Others

....Respondents

46. CWP No.732 of 2014

Preenu Bala

....Petitioner

Vs.

State of Punjab and Others

....Respondents

47. CWP No.738 of 2014

Karamjit Singh

....Petitioner

Vs.

State of Punjab and Others

....Respondents

48. CWP No.9178 of 2014

Rajesh Kumar Arora

....Petitioner

Vs.

State of Punjab and Others

....Respondents

49. CWP No.9192 of 2014

Bhoj Raj

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

50. CWP No.9632 of 2014

Khushminder Singh

....Petitioner

Vs.

State of Punjab and Others

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....Respondents

51. CWP No.15519 of 2012

Sarabjeet Singh

....Petitioner

Vs.

State of Punjab and Others

....Respondents

52. CWP No.15721 of 2014

Satya Devi

....Petitioner

Vs.

State of Punjab and Others

....Respondents

53. CWP No.10942 of 2013

Baljinder Singh Kaler

....Petitioner

Vs.

State of Punjab and Others

....Respondents

54. CWP No.3139 of 2015

Harbans Singh and Anr.

....Petitioner

Vs.

State of Punjab and Others

....Respondents

55. CWP No.11205 of 2014

Jagtar Singh

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

56. CWP No.7711 of 2014

Amrik Singh

CWP No.185 of 2014

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....Petitioner

Vs.

State of Punjab and Others

....Respondents

57. CWP No.2361 of 2014

Gurwant Singh

....Petitioner

Vs.

State of Punjab and Others

....Respondents

58. CWP No.22332 of 2015

Jaspal Singh Nagra and Anr.

....Petitioner

Vs.

State of Punjab and Others

....Respondents

59. CWP No.861 of 2014

Bimla Devi and Ors.

....Petitioner

Vs.

State of Punjab and Others

....Respondents

60. CWP No.17792 of 2014

Amarjit Singh and Ors.

....Petitioner

Vs.

State of Punjab and Others

....Respondents

61. CWP No.382 of 2015

Jarnail Singh and Ors.

....Petitioner

Vs.

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State of Punjab and Anr.

....Respondents

62. CWP No.18697 of 2015

Mukesh Chand and Anr.

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

63. CWP No.16840 of 2012

Chamkaur Singh

....Petitioner

Vs.

State of Punjab and Others

....Respondents

64. CWP No.24658 of 2014

Sandeep Kumar

....Petitioner

Vs.

State of Punjab and Others

....Respondents

65. CWP No.24447 of 2014

Harbhajan Singh and Ors.

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

66. CWP No.4636 of 2015

Sukhjinder Kaur

....Petitioner

Vs.

State of Punjab and Others

....Respondents

CWP No.185 of 2014

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67. CWP No.15692 of 2016

Asha Kiran and Anr.

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

68. CWP No.17112 of 2016

Kamlesh Kumari and Anr.

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

69. CWP No.20788 of 2014

Harjit Kaur

....Petitioner

Vs.

State of Punjab and Others

....Respondents

70. CWP No.1173 of 2014

Hardeep Kaur

....Petitioner

Vs.

State of Punjab and Anr.

....Respondents

Date of decision: 16.12.2016

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:-Mr. Gurminder Singh, Senior Advocate assisted by
Mr. Sapan Dhir, Advocate for the petitioner(s)
(in CWP No.185, 13351, 183, 184, 2949, 2965, 3918, 4022, 6904,
185, 861 of 2014).

Mr. Harinder Sharma, Advocate for the applicant(s)
(in CM No.15399 of 2016 in CWP No.185 of 2014).

Mr. Rahul Sharma-I, Advocate for the petitioner(s)
(in CWP No.20788 of 2014).

Mr. Kapil Kakkar, Advocate for the petitioner(s)
(in CWP No.19024, 20129, 20410, 20744, 28302 of **2013**;
1651, 1793, 470, 561, 640, 738, 24658 of **2014**).

Mr. Vivek Sharma, Advocate for the petitioner(s)
(in CWP No.19367, 20243, 21073, 21629, 21728, 26177, 26339,
26383, 27987, 8845, 10942, of **2013**; 4024, 9192, 9632,
11205, 24447 of **2014**; 382, 18697 of **2015**).

Mr. Sunny Singla, Advocate for the petitioner(s)
(in CWP No.22677 of **2013**; 9178, 15721 of **2014**).

Mr. S.S.Sodhi, Advocate for the petitioner(s)
(in CWP No.25506 of 2013).

Mr. R.K.Chopra, Senior Advocate assisted by
Ms. Gagandeep Kaur, Advocate for the petitioner(s)
(in CWP No.1173, 1177, 1175, 2538, 413 of 2014).

Mr. P.S.Khurana, Advocate for the petitioner(s)
(in CWP No.1302 of 2014).

Mr. R.K.Arora, Advocate for the petitioner(s)
(in CWP No.16840 of 2012; 14136, 1881, 560 of 2014).

Mr. Sawinder Singh, Advocate for the petitioner(s)
(in CWP No.1924 of 2014).

Mr. Parveen K. Kataria, Advocate for the petitioner(s)
(in CWP No.2807 of 2014).

Mr. Naveen Batra, Advocate for the petitioner(s)
(in CWP No.3619 of 2014).

Mr. Shashi Kumar Rattan, Advocate for the petitioner(s)
(in CWP No.5964, 7711 of 2014).

Mr. Kulbhushan Raheja, Advocate for the petitioner(s)
(in CWP No.732 of 2014).

Mz. Aruna Sachdeva, Advocate for the petitioner(s)
(in CWP No.15519 of 2012).

Mr. Saurabh Arora, Advocate for the petitioner(s)
(in CWP No.3139 of 2015).

Mr. Sarmukh Singh, Advocate for the petitioner(s)
(in CWP No.2361 of 2014).

Mr. Chanan Singh, Advocate for the petitioner(s)
(in CWP No.17792 of 2014).

Mr. Naresh Kaushik, Advocate for the petitioner(s)
(in CWP No.4636 of 2015).

Mr. Rajinder Sharma, Advocate for the petitioner(s)
(in CWP No.22332 of 2015).

Mr. A.S.Manaise, Advocate for respondent Nos.5 to 7.

Mr. H.S.Sethi, Addl. A.G., Punjab for the respondent(s)/State.

Jaswant Singh, J

This order shall dispose of aforesaid 70 writ petitions since common questions of law and facts are involved in the same.

In the bunch of writ petitions detailed in list-I of Annexure R.1 appended to the affidavit dated 15.12.2016 of Sh. Balbir Singh, DPI (Secondary Education), Punjab, a challenge has been laid by the Lecturers (School Cadre) in different subjects/streams to the impugned seniority of Masters/Mistresses dated 19.7.2013 prepared on the basis of subjectwise seniority; and the consequent review of their promotions and issuance of notice for their reversion to the respective posts of Masters/Mistresses on the ground that they do not fall within the zone of consideration. In the second bunch available at List-II with Annexure R.1, the Masters/Mistresses apart from challenging the seniority list dated 19.7.2013 are claiming promotions to the post of Lecturers in different stream, in view of their qualifications based on the previous seniority list dated 16.11.2011. In the third bunch of writ petitions, senior Masters and Mistresses, who have been ignored for promotion in May 2008 and May 2012, are seeking promotions to the posts of Lecturers in different streams w.e.f the date, their juniors were promoted.

For the sake of brevity, the facts are being extracted from the lead case bearing CWP No.185 of 2014.

Fifty three petitioners, who are working as Lecturers (School Cadre) with the Punjab Education Department in different subjects, by preferring this writ petition, have sought for issuance of a writ of Certiorari for quashing the impugned seniority list dated 19.7.2013 (**P.10**) and show cause notices dated 24.12.2013 & 31.12.2013 (**P.11 & P.12**) whereby they have been sought to be reverted to the posts of Masters/Mistresses; with further prayer for staying the orders of reversion.

Upon notice, replies have been filed.

In the reply filed in CWP No.185 of 2014, it is stated that the anomalous situation has arisen due to fixing of a cut off date of joining as Masters/Mistress for each of the subjects in which process, certain candidates higher in merit at the time of recruitment and higher in seniority dated 16.11.2011 were not considered eligible on account of their date of joining as Master/Mistresses not falling prior to the cut off date fixed as 08.2.1997 while junior in the same selection list, who had joined earlier, were considered eligible.

In the reply filed in CWP No.8845 of 2013, forming part of bunch of cases mentioned in List-II annexed with the affidavit dated 15.12.2016 filed by DPI (SE), Punjab, it is stated that since the promotions made vide order dated 16.5.2012 (P.4) were not based on the seniority, hence the State Government vide order dated 01.3.2013 (R.1) had taken a decision to review the entire promotions. It is further stated that the said seniority not being in accordance with Rules had also been re-framed vide Annexure R.1. It is further stated that after giving due opportunity to file

objections, tentative seniority list has been re-framed and declared on 19.7.2013 and in the meeting of DPC held on 29.8.2013, persons upto seniority No.1191 as SS Masters have been considered eligible whereas the petitioners are not eligible in terms of their seniority being lower in cadre.

It is the stand on behalf of the petitioner that vide the impugned seniority list dated 19.7.2013 **(P.10)**, (i) a separate seniority list in the cadre of Masters/Mistresses in different streams; (ii) as well as separate seniority list of Masters and Mistresses by ignoring the Division Bench judgment of this Court in **Neelam Rani Vs. State of Punjab, 2010 (2) RSJ 70 (P&H) (DB)** has been finalized in contravention of the Service Rules, namely, Punjab School Education Class III (School Cadre), Service Rules, 1978 (for short "1978 Rules"), and as such the impugned show cause notices for reversion of the petitioners are also unsustainable in the eyes of law and liable to be set aside.

On the other hand, the State counsel has tried to justify the impugned seniority list by *inter alia* raising the plea that the same had been finalized on the basis of a report dated 01.3.2013 (P.9) submitted by a Committee of four Officers, namely, Special Secretary, Additional Secretary, OSD (Litigation) School Education, Punjab and the Director, Public Instructions (Secondary Education), Punjab. It has also been submitted that the Committee noticed various irregularities in the earlier seniority list dated 16.11.2011 and as such, the impugned seniority list dated 19.7.2013 (P.10) has been re-casted.

At the time of hearing today, learned State counsel has filed in Court an affidavit dated 15.12.2016 of the DPI (SE), Punjab along with Annexures R.1 containing List-I, List-II & List-III, wherein it has been averred that on reconsideration of entire matter, it has been decided that a single joint seniority list of almost 50,000 Masters/Mistresses of all streams/subjects appointed upto December 2016 will be finalized within a period of four months i.e upto 30.4.2017. It has further been submitted in the affidavit that within a further period of three months, the promotions to the posts of 8000 Lecturers made in 2008,2012 & 2016 will be reviewed as per the Rules applicable thereto.

The aforesaid stand of the official respondents is not objected by the petitioners rather both the sides are *ad idem* in resolving the entire dispute in the said manner.

In view of the consensus arrived at between the rival parties, this Court does not feel appropriate to examine the *lis* any further on merits. However, in order to bury the controversy, this Court issues the following directions to respondent No.2/Director Public Instructions (Secondary Education), Punjab being the competent Authority, for strict compliance:

- i) A Joint seniority list of all Masters/Mistresses appointed till date i.e 16.12.2016, shall be re-casted strictly as per the decision of judgment in Neelam Rani's case (supra) on or before 30.9.2017.*
- ii) The Seniority list will be framed batch-wise and the appointments made from the first batch will be*

placed senior to the later one and the inter se seniority between same batchmates will be determined on the basis of inter se merit position of a candidate prepared during selection.

l ii) That as no separate seniority list of Master/Mistresses based on their acquired qualifications in different streams for promotion as Lecturers would be maintained, therefore, the combined seniority list prepared as per the principles stated hereinabove shall be reviewed/updated every year in the month of August to mention the acquired qualification by the Masters/Mistresses, making them eligible for promotion to the post of Lecturers in the subject/stream concerned. A circular will be issued that the Masters/Mistresses, who have obtained/ acquired/ enhanced their qualification, which entitled them to be considered for promotion in respect of any other stream apart from the stream in which they are already working, they will have to mandatorily inform the Department within a period of one month of acquiring the said qualification to enable such addition against their name in the seniority list while updating the same every year in the month of August, failing which, the teacher concerned shall be solely responsible for denial of any right of

promotion to the post of Lecturer in the subject concerned. The Directorate of Public Instructions shall also compile, periodically update and publish every year a list of eligible Masters and Mistresses for promotion as Lecturers in the stream concerned, on account of the acquisition of prescribed qualifications for promotion in the stream concerned. A separate list for each stream/subject shall be published;

iv) A public notice of at least one month in advance for inviting objections before finalizing the fresh Seniority list of Masters/Mistresses for promotion in respect of different streams, shall be published in three Newspapers (English, Hindi and Punjabi) of wider circulation in the state of Punjab.

v) That after fresh seniority list has been framed then promotions, which have been made to the posts of Lecturers in May 2008, May 2012 and July 2016 shall be reviewed. If any candidate is found beyond the seniority and quota shall be reverted and candidates, who are found entitled for any promotion shall be accorded such promotion as Lecturer.

vi) Respondent No.2/DPI(SE), Punjab shall incorporate the material particulars of members of the service i.e Name, Father's Name, Designation, Date of Birth, District, Mode of recruitment, Date of

*appointment, Date of promotion, Date of joining,
Present place of posting, Category, Merit number,
Percentage of merit, Subject and Special remarks
etc, as far as possible in the Seniority List or in any
other manner, so as to have complete
transparency;*

Disposed of in the above terms.

A photo copy of this order be placed on all the connected
cases.

December 16, 2016
manoj

(JASWANT SINGH)
JUDGE