

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

CWP No. 26856 of 2013

Date of decision:-18.03.2016

Isha

...Petitioner

versus

District and Sessions Judge, Rohtak

..Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Saurabh Dalal, Advocate,
for the petitioner.

Mr. N.K. Joshi, Advocate
for the respondent.

RITU BAHRI , J. (Oral)

Petitioner has approached this Court praying for issuance of writ in the nature of certiorari quashing the order dated 20.03.2013 of the respondent in rejecting the claim of the petitioner for promotion to the post of Librarian Assistant.

Petitioner joined the service under the respondent as Typist-cum-clerk on 02.01.2008. Thereafter, after taking prior permission, the petitioner completed her M.Lib in 2009. On 26.09.2012, this Court issued a correction slip No. 63 rules /II.D4 dated 26.09.2012 in respect of Chapter 18 Part B of rules and Orders of Punjab and Haryana High Court Volume 1 Rule 7 (v) of Haryana Subordinate Courts

Establishment (Recruitment and conditions of Service) Rules, 1997 and amended Rules reads as under:-

“Assistant shall be appointed by promotion from amongst the graduate clerks, and the clerks already in service (before coming into force of these rules) having five years experience on the basis of seniority-cum-merit.

One post of Assistant shall be designated as Library Assistant and shall be filled up from amongst the B.Lib/M.Lib Clerks having two years experience on the basis of seniority-cum-merit. If no clerk is found eligible for the post of Library Assistant, then the post shall be filled from amongst the Clerks on the basis of seniority cum merit.”

This above correction made the petitioner eligible for the promotion to the post of Library Assistant and accordingly, he submitted application vide receipt dated 17.12.2012 (P-1). Petitioner again submitted reminder dated 08.01.2013 and 28.02.2013 (P-2 and P-3). But the claim of the petitioner was rejected vide impugned order dated 20.03.2013 on the ground that the other senior officials with higher experience but who do not have the requisite qualification will be superseded if the petitioner is promoted.

On notice, a written statement has been filed by the respondent taking a stand that since the petitioner does not have the requisite experience, she was not being promoted.

This stand of the respondent is liable to be rejected because

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as per amended Rules mentioned above, the post of Library Assistant is to be filled from clerk who is having 02 years of experience and have the qualification of M.Lib/B.Lib.

Since the petitioner was fulfilling the above said condition and has completed his M.Lib in the year 2009, the writ petition is ***allowed***. Order dated 20.03.2013 is hereby set aside and respondent is directed to consider the case of the petitioner afresh treating her to be eligible for the promotion of Library Assistant, without imposing a condition that there are many senior clerks in the cadre of Assistant who have more than 15 to 17 years of service as Assistant.

(RITU BAHRI)
JUDGE

18.03.2016

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