

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

**Civil Writ Petition No.1694 of 2013
Decided on : 14.09.2017**

Kehar Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : None for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

G.S. Sandhawalia, J. (Oral)

None is present on behalf of the petitioners. Even on the last date none was present.

While issuing notice of motion, the prayer of the counsel was confined regarding inaction on the part of the State Government in not determining the Mewat District School Education Service Cadre in the light of 2012 Rules and not taking final decision regarding the options for each of the petitioners.

Apart from that the challenge was also raised to the order dated 19.01.2013 (Annexure P-4), whereby promotions had been made to the posts of Elementary Middle Head/Headmasters of (School Cadre) in District Mewat from the Masters/Mistress from outside the District Mewat in complete violation of Mewat District School Education (Group-C) Service Rules, 2012 (hereinafter referred to as '2012 Rules').

The State in its reply dated 18.02.2016 has mentioned that **CWP No.4301 of 2013 'Sartaj Singh Dhanda and others Vs. State of Haryana and others'** was decided on 22.12.2015 and this Court quashed all the promotion orders of Elementary School Headmasters. The judgment has been

appended alongwith the said reply.

Another affidavit dated 06.03.2017 filed by Director Elementary Education, namely, Shri S.S. Phulia has been filed, wherein it has been specifically mentioned that the Government had framed the 2012 Rules applicable to the Mewat District only. That as per Rule 3 (2) proviso existing members of Haryana State Education School Cadre (Group-C) Service Rules, 1998 who are members of the State service would have a right to exercise the option of district within three months from the notification of these rules for joining the Mewat District School Education (Group-C) Service. It is further mentioned that in the affidavit that options have been sought from all TGT, C&V & ESHM of Group-C of State Cadre by all the District Elementary Education Officers of Haryana State as to who are interested to give service in the District Mewat and option once given by them would be final. Accordingly, it has been deposed that seniority is to be fixed in respect of the Mewat District only and that when they join the said district, they will not be allowed to be transferred out. Reference has been made to the letter dated 03.03.2017 (Annexure R-1). It has been further mentioned that seniority would be prepared as per the said rules and the cases of the petitioners shall be considered accordingly for promotion.

Keeping in view the above, the present writ petition is disposed of with the above said undertaking given in the said affidavits. It is expected that the State shall act expeditiously on the same.

SEPTEMBER 14, 2017

Naveen

Whether speaking/reasoned:

Whether Reportable:

**(G.S. SANDHAWALIA)
JUDGE**

Yes/No

Yes/No