

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1032-2017

Date of Decision: January 23, 2017

Ravinder Kumar and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.J.L.Goyal, Advocate
for the petitioners.

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SURYA KANT, J.

The petitioners are working as TGT (Social Study) in the Education Department, Haryana. Their grievance is that for the purpose of promotion to the post of PGT (History), the qualification of MA in 'Ancient Indian History and Culture' or in 'Culture and Archaeology' has been abruptly deleted from Appendix-B at Sr.No.5 of the Haryana State Education School Cadre (Group B) Service Rules, 2012 (for brevity, 'the 2012 Rules).

The petitioners assert that such qualification was duly recognized under the Haryana State Education Lecturer School Cadre (Group C) Service Rules 1998 (for brevity, 'the 1998 Rules), which have since been repealed by the 2012 Rules. It is also their case that the above-stated subjects of post-graduation are very much relevant for teaching

History, hence deserve to be included amongst the essential qualification

required for promotion to the post of PGT (History).

The petitioners have raised such a claim vide Legal Notice dated 04.08.2016 (P-21) but finding no response thereto, have filed the instant writ petition.

We have heard learned counsel for the petitioners. There is no gain saying that inclusion or exclusion of qualifications for appointment to a post is essentially the prerogative of Rule Making Authority, who is expected to be assisted and advised by subject experts. It cannot be expedient for a Court to take over the responsibility of Rule makers and/or express any views as to what should be the suitable qualification, say for promotion to the post of PGT (History). However, from the nature of subjects, namely, MA in 'Ancient Indian History and Culture' or in 'Culture and Archaeology', it appears that such qualification may not be totally irrelevant for the purpose of teaching history at the secondary level. Further such qualification was validly recognized till 1998 Rules were in vogue. Taking notice of all these facts but without expressing any views on merits, the writ petition is disposed of with a direction to respondent No.1 to re-look into the claim of the petitioners and take an appropriate decision within a period of four months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

January 23, 2017

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(SUDIP AHLUWALIA)
JUDGE

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

Yes/No
Yes/No