

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

Date of Decision:-09.01.2017

CWP No.1595 of 2015

Veerpal Kaur.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Jatinder Pal Singh, Advocate for the Petitioner.

Mr. Harkesh Manuja, Additional Advocate General, Punjab.

JASWANT SINGH, J.(ORAL)

Petitioner, who is working in the respondent department on regular basis is aggrieved against the inaction on part of the department whereby her name has not been considered for promotion to the post of Master Cadre.

It is the averment of the learned Counsel for the petitioner that for the purpose of consideration to the post of Master Cadre from the feeder Cadre of C&V teachers one year Degree Course of B.P.Ed is required which she had completed on 12.06.2014 (P-1 Colly). Although respondent department had sought cases for promotion to the post of Master Cadre vide letter dated 08.01.2014, however, despite the fact that the petitioner was completely eligible, her case has not been sent for promotion which, is

against the Punjab State Education Class-III School Cadre Rules. Thus,

prayer has been made for directing the respondents to consider the case of the petitioner for promotion to the Master Cadre.

On the other hand , learned State Counsel has argued that the petitioner has concealed material facts from this Court because vide its letter dated 08.01.2014 (**P-2**) it was specifically mentioned that the cases of all those persons who are eligible for promotion be sent to the office concerned positively by 20.01.2014. Meaning thereby the case of the petitioner could only be sent in case she was eligible on the last date i.e. 20.01.2014. However, the petitioner completed her B.P.Ed course on 12.06.2014 and thus, she was not eligible as on 20.01.2014. However, vide letter dated 05.01.2015 (**P-5**) the Director Public Instructions (SE), Punjab directed the District Education Officer to send the cases of all those teachers who were eligible as per letter dated 08.01.2014 but their cases were not sent for promotion. Consequently, the petitioner sent her case for promotion for the post of D.P.E from PTI which was received on 15.01.2015. However, on checking it was found that the petitioner was not eligible for the said promotion on account of non fulfillment of requisite qualification. Thus, it was submitted that the present petition is without any merit and liable to be dismissed.

After hearing learned Counsel for both the sides and perusing the paper book carefully, this Court is of the considered view that the present petition deserves to be dismissed.

From the facts noticed above, it becomes abundantly clear that the petitioner has tried to play smart not only with the department but with the Court as well. A perusal of the letter dated 08.10.2014 makes its abundantly clear that the last date to consider an employee as eligible for

the purpose of promotion was 20.01.2014 which is in complete consonance of the 1978 Rules. As per the said Rules, the entire process for promotion is governed by the original letter and the letter dated 05.01.2015 (P-6) does not confer any fresh right for consideration. This fact is clear from the wording of letter dated 05.01.2015 whereby a reference has been made to letter dated 08.01.2014 (P-2) and it was mentioned specifically that the promotion cases be sent of all the eligible teachers as per letter dated 08.01.2014. Thus, the respondents had not called for fresh applications for considering the teachers for promotion to the Master Cadre.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed with costs of Rs.10,000/- to be deposited with Punjab State Legal Services Authority, Sri Muktsar Sahib.

(JASWANT SINGH)
JUDGE

January 09, 2017
Vinay

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No