

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

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**CWP No.22644 of 2016
Date of Decision : 17.01.2017**

Aruna Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. S.K. Bhardwaj, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed for directing the respondents to consider the case of the petitioner for promotion from the post of Steno-Typist to that of PGT.

The petitioner had joined as Steno-Typist on 20.10.1993. It is stated that in the year 2002 she acquired the degree of Master in Hindi after taking permission from the department and in the year 2007 she acquired the qualification of Bachelor of Education. It is averred that on

08.07.1965 the erstwhile State of Punjab had issued instructions

(Annexure P-1). Those instructions are quoted as follows:-

“The matter regarding the appointment of Clerks as Masters/Mistresses/Lecturers has been considered by the Co-ordination Committee. It has been decided that in service Clerks who attain Teachers Training qualifications after doing graduation and fulfil the condition of school subjects combination may be appointed temporarily as Masters/Mistresses on six months basis provided they put in a request for the same without any reference to the Employment Exchange. Similarly the Ministerial Staff who during service obtain Masters Degree in the subjects of Science Mathematics English etc. may be appointed as Lecturers on six months basis against the available vacancies, if any. For their regular absorption they will have to come through the prescribes recruiting agencies.”

It is further averred that thereafter the State of Haryana also reiterated the same by letter dated 14.05.1998 (Annexure P-2) as per which all the District Education Officers were requested to send the name of the Clerical Cadre who possessed the requisite qualification for different categories of Teacher. The petitioner has placed reliance on the letter dated 08.11.2000 (Annexure P-3) which on perusal seems to be a request from the Director, Secondary Education Haryana to the Financial Commissioner and Secretary, Government of Haryana, Education

Department, Chandigarh suggesting some changes whereby the name of Clerical staff to the post of Teaching staff was suggested to be taken in the promotion quota. However, it is not mentioned whether any decision is taken in this regard. The petitioner then filed a civil writ petition bearing CWP No.1570 of 2013 seeking promotion to the post of Lecturer in Hindi which was dismissed vide order dated 25.01.2013 (Annexure P-5) in terms of another writ petition bearing CWP No.24400 of 2011 titled as ***Ghanshyam and another vs. State of Haryana and others.*** Thereafter the petitioner filed Letters Patent Appeal bearing LPA No.1395 of 2013 wherein a Division Bench held as follows:-

“It is vehemently contended that the State Government/ Department has invoked powers under the afore-stated provisions of the Rule and has made recruitment from time to time by way of transfer from amongst the ministerial staff. It is also urged that claim of the appellant in this regard has been over-looked in a most discriminatory manner.

Having heard learned counsel for the parties, it appears that the view taken by the learned Single Judge that once the method of recruitment is governed by the statutory rules, the Instructions have no applicability, is a correct statement of law and calls for no interference. If the department, however, has been invoking powers under Rule

9 (1) (ii) and made appointments by way of 'transfer' of the officials already in service of the State Government, we grant liberty to the appellant to make a representation alongwith such instances and submit her claim. The representation/claim of the appellant may be considered keeping in view the fact that the Instructions dated 8.7.1965 were still in force when she is said to have become eligible and applied. A speaking order on the representation of the appellant shall be passed by the Competent Authority within a period of six months from the date of its receipt.

With afore-mentioned observations and liberty, the appeal stands disposed of.”

Thereafter the respondents rejected the claim of the petitioner by the impugned order holding that as per Rule 7 of the Haryana State School Lecturer (Group-C) Service Rules, 1998, no person shall be appointed to any post in the service by transfer, unless he/she has 5 years teaching experience as Lecturer. Since the petitioner did not have the teaching experience she could not be appointed. I asked the learned counsel that the main reason which had prevailed with the Division Bench was the allegation of discrimination and therefore he should point out whether any person who did not have the teaching experience was considered and appointed after the promulgation of rules but he has not been able to show any such case.

In the circumstances, I see no reason to grant any relief.

Petition stands dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

January 17, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No