

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

CWP-26954-2013

Date of Decision:21.11.2017

Mohd. Faruk

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Anand Bhardwaj, Advocate,
for the petitioner.

Mr.Hitesh Pandit, Addl.A.G., Haryana.

AMOL RATTAN SINGH, J. (Oral)

As regards the petitioners' prayer for promotion as an SS Master (now redesignated as TGT) w.e.f. the date his juniors were promoted in the year 2010, the said prayer is rejected in view of the fact that as per Appendix B read with Rule 7 of the Haryana State Education School Cadre (Group C) Service Rules, 1998, the qualification required for promotion to that post from the post of a JBT (now redesignated as PRT), is a BA degree with a B.Ed. degree from a recognized university, with English as a subject in BA.

The petitioner admittedly possesses a BA degree as also a B.Ed. degree, from the University of Rajasthan, Jaipur, and the Maulana Azad National Urdu University, Hyderabad, respectively.

However, even as per his detailed marks sheets annexed as Annexures P2 to P4 with the petition, he only had English as a subject in the

first year as an undergraduate (in the course of a Bachelor of Arts degree), with that subject not having been taught in the second and third year to obtain the graduate degree.

That being so, in the opinion of this Court, he cannot be treated to be a graduate (BA) with English as a subject in the degree course, as for a degree to be treated as having been passed with English as a subject, the subject would be required to have been studied for atleast two out of three years, if not all three.

However, learned counsel for the petitioner submits that now he is eligible to be promoted as a TGT from a Primary Teacher (PRT) in terms of the subsequently promulgated Rules, i.e. the Haryana School Education (Group C) State Cadre Service Rules, 2012.

Consequently, while dismissing this petition qua the claim for promotion from the date of the petitioners' juniors in terms of the old Rules, a direction, however, is given to the respondents to consider the petitioners' claim for promotion to the post of TGT in terms of the Rules of 2012, after seeing as to whether he has the required qualifications or not and whether he comes in the zone of consideration for such promotion as per his seniority.

A speaking order in that respect be passed within a period of 3 months from the date of receipt of a certified copy of this order.

If any person junior to the petitioner has been promoted to the post of TGT after the petitioner acquired the requisite qualifications, under the new Rules, the petitioner then would have a right of consideration for

promotion to the post from the date his juniors were posted, after hearing the junior(s) concerned.

November 21, 2017
dharamvir

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO