

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

**249**

**CWP-3152-2016 (O&M)  
Date of decision:22.05.2017**

Santosh Kumari and others

....Petitioners

Versus

State of Haryana and others

.... Respondents

**CORAM: Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr. Balkar Singh, Advocate for the petitioners No.1 and 3 and 5  
& Mr. Gaurav Deep Goel, Advocate for petitioner No.4

Mr. R.K.Doon, AAG, Haryana.

**P.B. Bajanthri, J. (Oral)**

In the present writ petition, petitioner has prayed for following relief :-

- I. Mandamus directing the respondents to give due promotion to the petitioners for the post of Vice Principal and above from the date of their seniority and also give future promotions with all consequential benefits along with arrears with 18% per annum on the delay payment till the date of actual realization of amount to the petitioner.
- II. Issuance of writ in the nature of certiorari by removing the male candidates from the post of Vice Principal and above in the ITI (Women) and only women group Instructors be posted and promoted in the Women Wing of ITI (Women) original

cadre and the order dated 09.01.2015 (Annexure P1 (Colly)) and 07.09.2015 (Annexure P2) wherein the male Group Instructors have been illegal promoted by stayed during pendency of this present writ petition.”

2. The petitioners were appointed as Junior Mistresses. Thereafter, they were promoted to the post of Group Instructors of various posts in the department of Industrial Training and Vocational Education Department which is governed by Rules called the Haryana Industrial Training and Vocational Educational Department (Group B) Directorate and Field Officers Services Rules, 1998 (for short Rules, 1998). Petitioners are in the cadre of Group Instructor. Therefore, their grievance is relating to consideration of their names for the post of Senior Apprenticeship Supervisor (Technical), Vice Principal, Principal, (Grade I and Group II) in Industrial Training Institute. Method of recruitment to the post of Assistant Director (Technical), Principals Industrial Training Institute (Group II), Principal Industrial Training Institute (Women), Vice Principal, Industrial Training Institute (Grade-I) and Senior Apprenticeship Supervisor (Technical) reads as under:-

**(A) INDUSTRIAL TRAINING INSTITUTE/INDUSTRIAL TRAINING INSTITUTE (WOMEN) CADRE**

(a) in the case of Assistant Director (Technical), Principals Industrial Training Institute (Group II), Principal Industrial Training Institute (Women), Vice Principal Industrial Training Institute (Grade I) and Senior Apprenticeship Supervisor (Technical):-

**(i) 50% by promotion from amongst the Group**

**Instructors and Apprenticeship Supervisor  
(Technical); and**

(ii) 50% by direct recruitment; or

(iii) by transfer or by deputation of an officer/official already in the service of any State Government or the Government of India.

**(B) INDUSTRIAL TRAINING INSTITUTE (WOMEN WING) CADRE**

a) in case of Assistant Director (Women):-

(i) by promotion from amongst the Principals, Teachers Training Centres; or

(ii) by transfer or by deputation of an officer/official already in the service of any State Government or Government of India.

**(c) HEADQUARTERS CADRE:**

(a) in case of Assistant Director (Non-Technical)/ Senior Apprenticeship Supervisor (Non-Technical)/ Assistant Controller of Examinations:-

(i) 50% by promotion from amongst Superintendents; and

(ii) 50% by direct recruitment; or

(iii) by transfer or by deputation of an officer/official already in the service of any State Government or the Government of India.

(b) In case of Superintendent:-

(i) by promotion from amongst the Deputy Superintendents;

(ii) by transfer or by deputation of an officer/official already in the service of any State Government or the Government of India.”

3. It is learnt that petitioners names have not been considered for promotion to the post of Vice Principal and other cadres which are stated in “(A) Industrial Training Institute/Industrial Training Institute (Women) Cadre consists of Assistant Director (Technical), Principals Industrial

Training Institute (Group II) Principal Industrial Training Institute (Women), Vice Principal Industrial Training Institute (Grade I) and Senior Apprenticeship Supervisor (Technical).

4. On instructions from Mr. Pankaj, Director, Skill Development and Industrial Training, learned counsel for the respondents resisted the petitioners claim that the petitioners are not entitled for the relief of promotion for the reasons that their claim would fall only under women wing cadre. Perusal of the method of promotion is by 50% by promotion from amongst the Group Instructor and Apprenticeship Supervisor (Technical). The respondents cannot distinguish men and women in respect of Group Instructors and Apprenticeship Supervisor (Technical) insofar as 50% quota ear-marked for promotion to the post of Assistant Director (Technical), Principals Industrial Training Institute (Group II), Principal, Industrial Training Institute (Women), Vice Principal, Industrial Training Institute (Grade I) and Senior Apprenticeship Supervisor (Technical) for the reasons that source cadre of Group Instructors and Apprenticeship Supervisor (Technical) do not distinguish amongst men and women. Therefore, respondents contention that the petitioners are not entitled for promotion to Item No. (A) Industrial Training Institute/Industrial Training Institute (Women) Cadre and item No. (B) relates to Industrial Training Institute (Women Wing) cadre. Whereas in item no. (B) in case of Assistant Director (Women) similarly in respect of item no. (a) against post of Assistant Director (Technical), Principals Industrial Training Institute (Group II), Principal, Industrial Training Institute (Women), Vice Principal,

Industrial Training Institute (Grade I) and Senior Apprenticeship Supervisor (Technical) have no right to claim promotion under 50% by promotion from the amongst the Group Instructors and Apprenticeship Supervisor (Technical) so as to contend that petitioner being a women is not entitled to consideration of her name for promotion under cadre (A). Therefore, the respondents are hereby directed to publish combined seniority list of Group Instructors and Apprenticeship Supervisor (Technical) irrespective of gender and operate such combined final seniority list to the various cadres to the extent of 50% by promotion. After publication of combined final seniority list of Group Instructors and Apprenticeship Supervisor (Technical) concerned respondent or appointing authority in respect of Assistant Director and other equivalent posts mentioned at category (A) are hereby directed to undertake review promotion with reference to combined final seniority list i.e. going to be prepared and published.

5. The above exercise shall be completed within a period of 4 months from today.

6. With these observation present petition stands disposed of.

**22.05.2017**

pooja saini

**(P.B. BAJANTHRI)**  
**JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No