

**Sr. No.113
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.24855 of 2017 (O&M)
Date of Decision:10.11.2017**

Jyoti Bala

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. L.M.Gulati, Advocate and
Ms. Jasneet Mehra, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner who is serving as a Head Teacher under the Punjab State Education Department is aggrieved of the action of the respondent authorities in having declined her claim for promotion as Centre Head Teacher with effect from the date the private respondents No.4 and 5 have been so promoted.

It has been averred that the petitioner was appointed as ETT teacher and joined service on 31.12.1991. Respondent No.4 is stated to have joined service as ETT teacher on 16.12.1992 and respondent No.5 on 13.01.1996.

Entire case set up on behalf of the petitioner is that since in the cadre of ETT teacher the date of joining of the petitioner was prior to the respondents and as such they would rank junior to the petitioner and accordingly the petitioner was vested with a right to be promoted as Centre Head Teacher with effect from the dates the private respondents have been so promoted.

perused the pleadings on record, this Court is of the considered view that the prayer in the instant petition cannot be accepted.

It is the pleaded case of the petitioner herself that private respondents No.4 and 5 were promoted from the post of ETT Teacher to that of Head Teacher in the years 2007 and 2008 respectively. On the other hand petitioner was promoted as Head Teacher with effect from 16.04.2010 i.e. subsequent in point of time.

Even if it is presumed that the petitioner was senior to the private respondents in the cadre of ETT Teachers, she never laid a challenge to the promotion of the private respondents to the post of Head Teacher in the years 2007 and 2008 when the petitioner had not been granted such benefit. Rather petitioner was promoted as Head Teacher on 16.04.2010.

In the feeder cadre of Head Teacher, the private respondents apparently are senior to the petitioner. Petitioner having accepted the promotion of the private respondents to the feeder cadre of Head Teacher in the years 2007 and 2008, it would not be open for the petitioner to raise a claim as regards further promotion to the Centre Head Teacher with effect from the date the private respondents have been so promoted. Acceptance of such claim at this stage would virtually amount to unsettling settled matters. It is a highly belated claim that is sought to be set up.

Petition is dismissed.

10.11.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No