

CWP NO.3524 of 2017

#1# Manoj Kumar
2017.05.10 17:29
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP NO.3524 of 2017

Date of Order: **02.3.2017**

Major Singh and Ors.

....Petitioners

Versus

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Madhav Pokhrel, Advocate for the petitioners.

JASWANT SINGH, J

The petitioners, who were appointed as Physical Training Instructors by the Department of School Education, Punjab, by way of filing this writ petition under Article 226 of the Constitution, have sought for issuance of a writ of Certiorari for quashing the impugned order dated 22.11.2016 (P.22) passed by respondent No.2 vide which their claim for promotion to the post of Master Cadre has been rejected.

Learned counsel for the petitioners has contended that under the Service Rules namely Punjab State Education Class III School Cadre, Service Rules, 1978 (amended upto date) (for short "1978 Rules"), 10% posts of Masters are to be filled up by way of promotion from the Classical and Vernacular Teachers (for short "C&V Teachers") and the petitioners who are working as PTIs fall

in the cadre of C&V Teachers and thus, their claim has been wrongly rejected.

Heard learned counsel for the petitioners and perused the paper book with his able assistance.

Undisputedly, vide communication dated 08.1.2014, the information was sought for promotion from C&V Teachers to Master Cadre, who are eligible on 22.2.2014 being the cut off date and this fact has been admitted by the petitioners in para 19 of the paper book as well.

A perusal of the impugned order reveals that all the petitioners acquired the qualification of B.P.Ed and B.Ed in the year 2015 and their details read as under:

<i>Sr. No.</i>	<i>Name of the petitioners</i>	<i>Date of passing B.P.Ed/B.Ed</i>
1	Major Singh, PTI (C&V Cadre)	23/7/2015
2	Charanjeet Singh PTI (C&V Cadre)	23/7/2015
3	Amandeep Singh PTI (C&V Cadre)	23/7/2015
4	Joginder Kaur PTI (C&V Cadre)	01/09/15
5	Simranjeet Singh PTI (C&V Cadre)	02/12/15

A perusal of the details reproduced hereinabove clearly proves that all the petitioners obtained their requisite qualifications on or after 23.7.2015 whereas the cut off date for eligibility in the letter dated 08.1.2014 was fixed on 22.2.2014. In the writ petition also, there is no denial for the above factual position qua obtaining the qualification as aforesaid. Even otherwise, the petitioners have not assailed the legality and validity of the letter dated 08.1.2014 issued by respondent No.2-DPI (Schools), which is the very basis for fixing the cut off date on 22.2.2014.

In view of the above, this Court does not find any merit in the present petition warranting any interference.

Dismissed.

March 02 , 2017
Manoj

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>