

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

**L.P.A. No.8 of 2014 (O&M)
Decided on : 31.07.2017**

Jagdeep

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Arun Abrol, Advocate,
for the appellant.

Mr. Manoj Bajaj, Addl. AG., Punjab.

Mr. R.S.Rangpuri, Advocate,
for respondent No.4.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 23.9.2013. The appellant as a writ petitioner had impugned order dated 24.5.2012 claiming that his claim for promotion as Vocational Master had been erroneously rejected. He went on to cite the example of two other persons who are his juniors but promoted causing prejudice to him. Before the learned Single Judge, the appellant has conceded that he did not possess the eligibility conditions as per rules.

Learned Single Judge has, therefore, negated this plea by

saying that he would have no right to be promoted in view of his ineligibility. The plea of discrimination was also rejected as the appellant had failed to bring out any default in promotion of the respondents.

Before us, learned counsel for the appellant contends that he was indeed eligible and the concession had wrongly been made before the learned Single Judge. The plea of discrimination has also been urged before us as it was before the learned Single Judge. We may extract the eligibility conditions for Vocational Master, the post that appellant aspires through promotion : -

A-I Vocational Master			
(a) Vocational Master (Electrical, Civil Electronics and Mechanical)	Three years diploma in Engineering in the concerned branch from the State Board of Technical Education alongwith three years experience in teaching or practical work in a Government or Government recognized institute or registered concern of repute.	Seventy Five Percent	Twenty five percent amongst the post of Technical Instructor, Master Craftsman grade-II, Master Technician Grade-II, Draftsman, Junior Instructor, works experience teacher, vocational teacher, crafts instructor, workshop Superintendent, multi-instructor, Commerce Assistant departmental stenographer who fulfill the requisite qualifications, failing which by direct recruitment, provided they fulfill the requisite qualifications prescribed for direct appointment.

It has been stated before us by the learned counsel for the appellant that the appellant has engineering degree to his credit which would be superior to the diploma in engineering. He has also stated that even though he was not having teaching experience but has practical experience of working in an institution of repute.

After hearing the learned counsel for the appellant, we are of the opinion that the appellant has not been able to make out a case for his promotion as he does not clearly have three years experience as required. Moreover, having three years experience would not *ipso facto* make him eligible unless the rules prescribe so which are silent as far as clause of equivalence is concerned.

Apart from this, we do not find that the post upon which the appellant has been working, i.e., Clerk forms feeder post for promotion to the post of Vocational Master. 75% of the posts have been reserved for direct recruits and 25% for promotion and if the appellant's cadre of Clerk does not find mention in the post intended as feeder cadre, he could not claim that he is eligible for being promoted as Vocational Master.

In so far as plea of discrimination is concerned, there is absolutely no averment made in the writ petition that the said respondents were ineligible. The only assertion that finds mention in the pleadings is those of the respondents being junior to him. Even if it is so, unless the appellant shows that the promoted incumbents were ineligible and yet promoted, he would have absolutely no cause to espouse. Then also, such a plea of discrimination would have to be

tested closely particularly when the appellant himself is ineligible in accordance with rules and his cadre of Clerks where he works, does not form the feeder cadre for promotion to the post of Vocational Master.

Apart from this, we find the experience certificates that appellant now had produced before us, were never a part of the writ proceedings and thus, not disclosed to the learned Single Judge, at all.

No ground for interference is made out.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

July 31, 2017
Paritosh Kumar

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No