

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.120 of 1998 (O&M)

Date of Decision: 20.08.2018

Saroj Bala

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Kiranjeet Kaur, Advocate,
for Mr. Ravinder Malik (Ravi), Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. Heard.
2. The dates of enlistment in the Police department and the date of officiating promotion as Head Constable of the petitioner is after the enlistment and promotion of Amarjit Kaur – respondent No.5 as Head Constable. Therefore, respondent No.5 is senior to the petitioner and would have a preferential right to be deputed to the Intermediate School Course. Further, the petitioner was posted in District Sirsa while respondent No.5 was posted in District Hisar. That is how the seniorities were maintained separately. Both were promoted as Head Constable on officiating basis and none of them was confirmed when the petition was brought.
3. Ms. Goyal for the State has relied on the Full Bench judgment of this Court delivered in *Ram Chander and others v. State of Haryana and others*, 2015 (1) SCT 520.
4. The Full Bench has held that length of service as Head

Constable is to be taken into consideration for deputation to the Intermediate School Course and confirmation as Head Constable in the District cannot be made the sole basis, as such confirmation is dependent upon numerous circumstances over which the Head Constable has no control (para.21 of the judgment).

5. The Full Bench affirmed the view of the learned Single Judge in Ranjit Singh's case, i.e. CWP No.10547 of 1991 decided on September 12, 1991 which adopted the principle of continuous length of service as Head Constable, irrespective of the date of confirmation, as relevant for deputing the Head Constables to undergo Intermediate School Course.

6. It may be noticed that both the petitioner and respondent No.5 belong to the reserved category. One is a Harijan, the other a Ramdasia Sikh. The petitioner cannot claim rights over and above the private respondent

7. In view of the above, I find no merit in this petition and would dismiss it.

(RAJIV NARAIN RAINA)
JUDGE

20.08.2018
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Whether speaking/reasoned Yes

Whether reportable No