

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 11127 of 2016 (O&M)

Date of decision : November 13, 2018

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Savita

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Sajjan Singh, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

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RITU BAHRI, J.

The petitioner is seeking directions to the respondents to consider the petitioner for promotion to the post of Post Graduate Teacher (PGT) in Hindi as she is fully eligible as per the Haryana State Education School Cadre (Group B) Service Rules, 2012 (hereinafter referred to as 'the 2012 Rules') for promotion to the above said post.

The petitioner was appointed as JBT teacher on 23.11.1995. She was promoted as Hindi Teacher vide order dated 28.4.2000 (Annexure P-1). She was further promoted as SS Master vide order dated 04.7.2005.

Vide letter dated 19.7.2005 (Annexure P-2), the place of her posting was

changed and she was adjusted to GGHS Nidana, Distt. Jind. She accordingly joined on 20.7.2005. As per the Haryana State Education School Cadre (Group B) Service Rules, 2012 (Annexure P-4) dated 11.4.2012, the petitioner is seeking promotion to the post of PGT Hindi. The eligibility condition as per 2012 Rules for promotion to Post Graduate Teacher (PGT) Hindi by way of promotion is reproduced as under:-

- (i) MA Hindi with at least 50% marks and B.Ed from recognized University, and*
- (ii) 2 year teaching experience as TGT Hindi/Hindi teacher, and*
- (iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET)*

As per certificates, the petitioner has done her B.A Hons. in Hindi examination with more than 50% marks. She did her Masters from Maharshi Dayanand University, Rohtak in Hindi with more than 50% marks and she did her Bachelor of Education (B.Ed) in the year 1991 from Maharshi Dayanand University, Rohtak. After being promoted as SS Master in the year 2005, she has requisite experience as well. The case of the petitioner for promotion to the post of Lecturer/PGT Hindi was forwarded to the Deputy Director (Lecturer), O/o Secretary, Education Department by the Headmaster, Govt. Girls High School, Gijhi (Rohtak) vide (Annexure P-5) on 26.2.2014.

On notice, the written statement has been filed on behalf of respondents no. 1 & 2, wherein it has been clarified that the petitioner was working on the post of S.S Teacher on 26.2.2014 and as per the Haryana State Education School Cadre (Group -B) Service Rules, 2012, she was not eligible for promotion to the post of PGT Hindi because as per the above said Rules only Hindi Teachers are eligible for promotion to the post of PGT Hindi .

In response to the written statement , counsel for the petitioner has placed on record the Orders dated (Annexures P-6, P-7, P-8 and P-9) by way of filing CM No. 7235 of 2017. In this application, the petitioner has placed on record the orders passed by this Court in CWP No. 13160 of 2016 titled, 'Gulzar Singh and another vs. State of Haryana and others' (Annexure P-6), whereby a cost of Rs.10,000 was imposed on the Director General, Department of Secondary Education for not complying with the order dated 08.03.2017. Subsequently, vide order dated 29.3.2017 (Annexure P-7) passed by the Additional Chief Secretary to Govt of Haryana, School Education Department, Chandigarh in compliance of the orders dated 8.3.2017, 16.3.2017 and 21.3.2017 passed by this Court, the posting orders issued vide order dated 22.2.2017 in the subjects of Hindi, Punjabi and Drawing on account of C & V Teacher's promotion issued vide order dated 6.5.2016 were withdrawn. The fresh process has been started to make promotion to the post of PGTs vide order dated 10.2.2017 (Annexure P-8 Colly). A perusal of letter dated 8.3.2017 (Annexure P-8 Colly.) shows that Director Secondary Education, Haryana, Panchkula had written to the

District Elementary Education Officer regarding verified completion of record of TGTs and summary of their ACRs being considered for promotion to the posts of PGTs. As per Annexure P-9, it is certified by the Headmistress, Govt. Girls High School, GIJHI (Rohtak) that the case of Smt. Savita, S.S Mistress, Govt. Girls High School, Gijhi, Rohtak for promotion has been sent to BEO Sampla on 16.2.2017.

Counsel for the State has not disputed the letter (Annexure P-8 Colly.), whereby a fresh process has been initiated for promotion to the post of PGTs. The present petition is being disposed of with a direction to the respondents to consider the case for promotion to the post of PGT Hindi as per the recommendation made vide letter dated 8.3.2017 (Annexure P-8 colly.) in accordance with law.

November 13, 2018

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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No