

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

CWP No.15967 of 2013 (O&M)

Date of decision: 11.10.2018

Santosh Rani

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kapil Kakkar, Advocate for the petitioner(s).

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks quashing of letter dated 22.05.2013 (Annexure P-13) passed by respondent No.3 vide which the case of the petitioner for promotion to the post of Punjabi Mistress for onward transmission to respondent No.2 was not sent.

The petitioner was appointed as Clerk in the respondent-Department on 06.03.2000 and was promoted to the post of Junior Assistant, vide order dated 04.02.2013 (Annexure P-2).

Learned counsel for the petitioner refers to Annexure P-3, the instructions dated 26.09.2001 issued by the State whereby in the cadre of Master/Mistress, one percent posts were reserved for ministerial cadre i.e. non teaching staff and it had been specified that the clerks who were in possession of the prescribed qualification for master/mistress will be eligible and entitled to promotion as master/mistress. It is asserted that

in pursuance of the instructions, number of clerks and other ministerial staff working in the various government school and office of education department were promoted to the cadre of master/mistress. The petitioner possesses the qualification B.A./B.Ed and was fully eligible for the promotion in view of the instructions, however, her claim for promotion was rejected on the ground that the cases of only those candidates were called who were eligible upto 27.05.2010. It is further submitted that a pick and choose method was adopted by the respondent for promotion and even the case of one Pushpinder Singh who passed B.P.Ed examination along with the petitioner was sent for promotion by respondent No.3 in April, 2010.

On the other hand, learned State counsel submits that the instructions dated 26.9.2001 (Annexure P-3) on the basis of which the petitioner has raised her claim were withdrawn by the Government, vide letter dated 06.03.2014 (Annexure R-1/1), therefore, her case was rightly rejected by the respondents.

Heard.

The solitary grievance of the petitioner rests upon the instructions dated 26.09.2001 (Annexure P-3) vide which 1% post from non teaching staff of ministerial cadre had been reserved for promotion to the master/mistress cadre. The said instructions dated 26.09.2001 stands withdrawn by the Government, vide letter dated 06.03.2014 (Annexure R-1/1) being in contravention to the services Rules. Moreover, the instructions were implemented in the case of employees who fulfilled the

requisite conditions for promotion upto 27.05.2010, whereas, the petitioner passed her B.Ed examination on 17.9.2010. Even the case of Pushipinder Singh as relied upon by learned counsel for the petitioner was also not considered by the competent authority as he too like the petitioner was not eligible for the post on 27.05.2010. Thus, no fault can be found with the impugned letter dated 22.05.2013 (Annexure P-13).

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

11.10.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No