

CWP-23295-2016 (O&M)

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

**CWP-23295-2016 (O&M).
Decided on: October 9, 2018.**

Rani Gupta

.. Petitioner

VERSUS

State of Punjab and another

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

*** * ***

**PRESENT Mr.Anshu Chopra, Advocate,
for the petitioner.**

Ms.Anu Chatrath Kapoor, Addl. A.G. Punjab.

JASWANT SINGH, J. (ORAL)

The petitioner is serving as a Head Master and has been illegally ignored for promotion to the post of Principal vide impugned order dated 16.7.2015 (Annexure P-2) on the ground that he does not fulfill the benchmark calculated on the basis of ACRs for the previous five years.

It is contended that ACR for the year 2009-10, was recorded as “Average” but was never communicated and therefore in view of the settled principle of law, cannot be taken into consideration for promotion. It is further stated that available ACR for the year 2008-09, is in the lower rank of masters cadre and if taken into account, the petitioner

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fulfills the benchmark of 12 marks. If the ACRs for the year 2008-09 and 2009-10 are to be discarded, then also, the petitioner on the principle of proportionality, for the remaining three years ACRs, also fulfills the minimum benchmark of 12 marks.

Upon notice, written statement has been filed contesting the claim of the petitioner. On the previous date of hearing on 4.10.2018, in the main writ petition, the following order was passed: -

“From the reply filed on behalf of the respondents, it is not explained as to how the marks would be allotted for the ACR, which is not available within previous five years. It is also not explained as to how the “average remarks” recorded for a particular year and not communicated, could be taken into account for consideration for promotion. The reply is wholly inadequate on the issues which are relevant in the instant case.

List on 09.10.2018.

Let Mr.Prashant Goyal, DGSE or Mr.Manvesh Singh Sidhu, Special Secretary Education, Punjab, be personally present to assist the Court on next date of hearing.”

At the time of hearing the petition, Mr.Prashant Goyal, Director General of School Education, Punjab, is present in the Court. He states that on reconsideration of the matter, the petitioner has been promoted as Principal with notional benefits w.e.f. the date his juniors were promoted vide order dated 6th – 8th October, 2018, a copy of which order, in

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vernacular, has been placed on record.

In response, counsel for the petitioner states that since the grievance of the petitioner has been redressed, as such, nothing survives in the present writ petition and the same be dismissed.

The writ petition is disposed of as having rendered infructuous.

(JASWANT SINGH)
JUDGE

October 9, 2018.
raj arora

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No