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

CWP No.22910 of 2018

Date of decision:October 01, 2018

Jasvir Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Madhav Pokhrel, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *mandamus* for directing the respondents to give him promotion as Social Studies Master from the date his juniors were promoted, with all consequential benefits.

In brief, the petitioner joined his services as JBT teacher in Government Primary School, Dhilwan, Patiala, District Sangrur on 14.12.2001. He possessed the qualification of B.A. at that time and pursued the Bachelor of Education (B.Ed.) after joining as E.T.T. Teacher in the year 2002. In the year 2005, the respondent-department advertised the posts of Master Cadre in Social Studies and required the cases for promotion from E.T.T./J.B.T. Teachers. The petitioner submitted his case for promotion

through Block Primary Education Officer (B.P.E.O) in the year 2005. Again in the year 2008, the respondent-department requisitioned the cases for promotion and at that time also, the petitioner submitted his case but no information was given by the respondent-department to the petitioner with regard to his promotion. The respondent-department had published the seniority list of Master Cadre in year 2013, but in the said seniority list, the particulars of the candidates regarding their initial joining in the feeder Cadre etc. were not incorporated. As such, the petitioner could not come to know about the fact that whether the candidates, who were given promotion to the Master Cadre in the year 2006, were junior or senior to him in the J.B.T./E.T.T. Cadre. On 12.12.2017, the seniority list of the Master Cadre was uploaded on the official website of the Department from where it so transpired that the petitioner was not promoted to the Master Cadre whereas 65 candidates belonging to General Category, who were juniors to the petitioner in E.T.T./J.B.T. Cadre (as per their date of joining) were given promotion in the month of April/May-2006.

Counsel for the petitioners has relied upon a decision of this Court rendered in the case of **Lakhwinder Singh vs. State of Punjab and others**, 2018(1) SCT 284 to contend that the petitioner should have been given promotion from the date his juniors were promoted.

However, it was not denied by the counsel for the petitioner that the petitioner had already approached the respondents in regard to his grievance vide legal notice dated 18.06.2018 (Annexure P-5), on which final decision has not been taken by the respondents so far.

Keeping in view the aforesaid facts and circumstances, the present

writ petition is hereby dismissed being premature. However, the respondents are directed to consider and decide the legal notice dated 18.06.2018 (Annexure P-5) of the petitioner, after giving him an opportunity of personal hearing, within a period of three months from the date of receipt of a certified copy of this order.

October 01, 2018
vinod*

(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No