

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

**Civil Writ Petition No. 28655 of 2018 (O&M)
Date of Decision: 26.11.2018**

Gian Chand

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

Mrs. Anu Chatrath Kapur, Additional Advocate General, Punjab
for the respondents/State and assisted by
Shri Inderjit Singh, Director Public Instructions
(Elementary Education), Punjab,

JASWANT SINGH, J. (ORAL)

Admittedly as per **Annexure P-4**, the petitioner had been promoted on the post of “Centre Head Teacher” on 20.08.2015. He was promoted to the next higher post of “Block Primary Education Officer” vide order dated 15.10.2018 (**Annexure P-5**) passed by the Director Public Instructions (Elementary Education), Punjab, against a roster point, reserved for Scheduled Caste Category, by showing his seniority as No. 3 (Three) in the rank of “Centre Head Teacher” from amongst the Schedule Caste Category.

Challenge is to the order dated 30.10.2018 (**Annexure P-8**) passed by the District Education Officer (EE), Jalandhar, whereby his (petitioner) posting order has been withdrawn on the ground that his seniority number was wrongly shown as No. 3 (Three), based on an incorrect date 17.04.2015 of joining as Centre Head Teacher.2 Paragraph.

At the time of hearing, learned State Counsel, on instructions from Shri Inderjit Singh, Director Public Instructions (Elementary Education), Punjab, states that in the cadre of “Centre Head Teacher” at district Jalandhar, there is another *Gian Chand son of Sh. Bhagat Ram*, who also belongs to the Scheduled Caste (SC) Category as the petitioner, was promoted as “Centre Head Teacher” on 17.04.2015, whereas the petitioner was promoted as “Centre Head Teacher” on 20.08.2015. Inadvertently, at the time of consideration for promotion to the next higher post of “Block Primary Education Officer” (BPEO) against roster point reserved for SC Category, the petitioner was wrongly shown at the compiled seniority No. 3 (Three), by wrongly assuming his date of promotion as 17.04.2015 as “Centre Head Teacher” instead of 20.08.2015. On detection of such a mistake, the compiled seniority position of the petitioner was rectified by placing him at point No. 27-A. She, thus, submits that the petitioner has no claim for continuing as “BPEO”. It is further clarified that in continuation of the order dated 30.10.2018 (**P-8**), the Director Elementary Education has passed a subsequent order dated 22.11.2018 endorsing the reversion of the petitioner based on the incorrect facts assumed earlier.

At this stage, counsel for the petitioner has submitted that the case of the petitioner for extension in service w.e.f. 01.12.2018 in the rank of “Centre Head Teacher” be decided before his date of superannuation on 30.11.2018.

In response, learned State counsel, on instructions from Shri Inderjit Singh, DPI (Elementary Education), Punjab, assures the Court that the application of the petitioner for extension in service shall be decided as per the Policy by 30.11.2018.

In view of the aforesaid stand, it is agreed that nothing more survives for adjudication in the present petition and the same has become infructuous.

“Disposed of as Infructuous”.

The respondent-State shall be bound by its stand as taken.

November 26, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>