

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11719 of 1998
Date of Decision: 30.01.2019

Balbir Singh and others

...Petitioners

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Chanderhas Yadav, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

The following two material prayers have been made in this
petition filed in July 1998:

- (i) *Issue a writ, order or direction in the nature of mandamus and/or otherwise, declaring the policy instruction 'P/2' to be ultra vires and directing the respondents to have a joint working seniority between the lecturers-male and female on the one hand and head masters/mistresses on the other hand and in the alternative, to determine the quota on some rational considerations;*
- (ii) *Issue a similar writ, order or direction calling upon the respondents to fix uniform eligibility*

*qualification for promotion to the post of Principal
Govt. Sr. Sec. School.*

The first prayer has been rendered infructuous since the impugned policy decision dated 28.02.1992 under challenge stands superseded with the promulgation of Haryana State Education (School Cadre) (Group 'B') Service Rules, 1998. These rules have been further substituted by the Haryana School Education Rules, (Group 'B') Rules, 2012. As a result, the first prayer does not survive and the grievance, if any, will be governed with regard to either by the 1998 or 2012 Rules. The petitioners are free to seek their administrative and legal redress to ventilate their grievance.

Prayer No.2 is also a part and parcel of prayer No.1. On the face of it, the petitioners would have liberty as above to make out a case for relief either before the competent authority or competent Court of law. With this liberty, the petition is disposed of.

(RAJIV NARAIN RAINA)
JUDGE

30.01.2019
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*