

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

(1)

CWP No.19109 of 1997.

Date of Decision: 22.05.2019

Savitri Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

(2)

CWP No. 991 of 1998

Bimla Bhatia

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. Dharminder Singh, Advocate for
Mr. Shish Pal Laler, Advocate,
for the petitioner in CWP-19109-1997.

Ms. Nupur Choudhary, Advocate,
for the petitioner in CWP-991-1998.

Mr. Vikrant Pamboo, DAG Haryana.

JITENDRA CHAUHAN J.

This judgment shall dispose of aforementioned two civil writ petitions as common questions of facts and law are involved therein.

Ms. Nupur Choudhary, Advocate, states that the petitioner Bimla Bhatia has taken away the case file from her.

The facts are being taken from C.W.P. No. 19109 of 1997.

By way of instant writ petition, the petitioner has sought quashing of proposal of promotion of Junior to the petitioner to the post of Lady

Circle Supervisor. She also seeks writ of mandamus directing the respondents to fill up the post on the basis of seniority.

The petitioner had joined the post of Gram Sevika in the year 1979 and thereafter she was promoted as Mukhya Sevika in October, 1987 and since then she is working on this post. In the seniority list, the petitioner stands at serial No.16. It is further pleaded that she is matriculate and is a member of Scheduled Caste. The services of Lady Circle Supervisors are governed by Haryana Development and Panchayat Department, Group-B Service Rules, 1988 (for short “the Rules”) wherein qualifications of five years experience as Mukhya Sevika with knowledge of Hindi upto Matriculation standard has been stipulated. However, vide amendment carried out in the month of June, 1997 the qualification for the post of Lady Circle Supervisor was amended. It has been now provided that 90% posts will be filled up out of B.A./Graduates and 10% posts will be filled up out of Matriculate Mukhya Sevikas.

On the other hand, on behalf of the respondents, it is contended that after bifurcation of Social Welfare Department, Haryana into two Directorates, the Directorate, namely, Women and Child Development, Haryana came into force on 01.04.1992 and at that time the Women Wing of Development and Panchayat Department was merged in the Directorate of Women and Child Development, Haryana. As this directorate came into force on 01.04.1992 and being new directorate there were no service rules for Class-I, II and III

employees and as such the service rules of all categories have been framed and the same have also been notified. As per service rules of Group-B employees, which were notified on 06.06.1997, 90% posts of Lady Circle Supervisors would be filled up amongst Graduate with five years' experience as Mukhya Sevikas and the remaining 10% posts will be filled up amongst Matriculate with eight years' experience as Mukhya Sevika. The Panchayat and Development Department Rules of 1988 are no longer applicable on the employees.

Heard.

It is to be noticed that the petitioners were not eligible to be promoted to the post of Lady Circle Supervisor. As per the new rules, 90% posts of Lady Circle Supervisors are to be filled up amongst the Graduate Mukhya Sevikas and 10% posts are to be filled up amongst Matriculate Mukhya Sevikas. The petitioners being Matriculate cannot be considered against 90% quota. They were to be considered against 10% quota. They could not be considered for promotion under 10% quota because five lady Circle Supervisors whose qualification is matriculation have already been working.

No ground for interference is made out.

Thus, both the civil writ petitions stand dismissed.

A photocopy of this order be placed on the files of other connected case(s).

22.05.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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