

CWP-6133-2019 (O&M)

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

**CWP-6133-2019 (O&M)
Date of decision : 30.08.2019**

Ravi Parkash

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Jitender S. Chahal, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

Prayer in present writ petition is for setting letter/order dated 03.01.2019 (Annexure P-5) and recommendation of State Level Committee dated 01.09.2017 (Annexure P-6), whereby claim of petitioner for grant of State Teacher Award, 2016-17, has, erroneously, illegally and arbitrary, been declined.

Learned counsel for the petitioner submitted that petitioner was appointed as J.B.T. Teacher and had been serving in Education Department for the last 22 years. In the year 2005, was promoted as Social Studies Master at GMSSSS, Bilaspur, Yamuna Nagar till time, he was promoted as PGT English on 13.07.2016 and joined at Government Senior Secondary School, Fatehgarh Tumbi, District Yamuna Nagar, on 22.12.2016. For granting State Teacher Award for the year 2016-17, State Government came out with instructions dated 18.07.2017.

Vide general instructions dated 18.07.2017, persons who have been awarded National/State Teacher Award are entitled to extension in service beyond the age of superannuation, in view of the reference memo No.20/3-80 Tam(4) dated 18.11.86. The reasoning assigned by the respondent in rejecting that petitioner had only applied as a Lecturer in 2016 is totally illegal and arbitrary, as the petitioner has more than 15 years of experience and his result for the State Board classes of 10th and 12th is above the State average. In such circumstances, the petitioner is entitled to issuance of State Award in the year 2016.

Mr. Harish Nain, learned counsel appearing on behalf of State submits that after receipt of notice in writ petition, the Committee constituted by the Department vide order dated 25.07.2019 under chairmanship of Additional Director (Academics) consists of two members. The Committee submitted its report dated 7.8.2019 clarifying of State Award relates to the year 2016 which was awarded in 2017 whereas petitioner was promoted as Lecturer English only on 22.12.2016 and therefore, did not fall under Clause (vii) & (viii) as extracted above, thus, urges this Court for dismissal of writ petition.

I have heard learned counsel for parties and appraised the paper book.

It would be apt to extract Clause (vii) of Eligibility Conditions (Annexure P-2), which reads as under:-

"vii) In case of teachers teaching Board classes, the Board Class results (of 10th and 12th Classes) must have been above the State average of the result for the last 5 years."

Form perusal of Clause (vii) read with result at page No.46,

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extracted in writ petition, it is not disputed that from the year 2007-2008 to 2015-2016, pass percentage is 100% except in 2013-2014 wherein pass percentage for 10th was 97.82 and 2010-2011 was 85.71, thus, cumulative reading of result as well as clauses, much less, experience, petitioner had been working as JBT Teacher since 1995 and Social Studies Master since 2005, therefore, there is no dispute that he has experience of 15 years. The reasoning assigned by State, in my view, is wholly erroneous and arbitrary, for, it cannot be reckoned from 2016 when he was promoted as PGT or Lecturer English.

Resultantly, the impugned order as well as recommendation are set aside. Petitioner is entitled to State Teacher Award. Respondents are directed to issue same to petitioner within a period of two weeks from the date of receipt of certified copy of this order.

Mr. Chahal, informs this Court that petitioner is superannuating tomorrow, but in case, awarded Award, is entitled to extension in service.

Till then, petitioner is ordered to be continued in service.

Liberty is granted to petitioner to apprise the respondents about this order.

30.08.2019

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**