

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

CWP-17342-2014 (O&M)
Date of decision : 16.01.2019

Kanwaljit Singh and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Surmukh Singh, Advocate,
for Mr. Vijay Kumar Sharma, Advocate,
for the petitioners.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab.

JITENDRA CHAUHAN, J.

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ of Mandamus directing respondent No.1 to consider the petitioners for promotion to the post of Principal.

It is contended that the petitioners were appointed as Masters in the respondent-Department on different dates and were posted in different schools under the Punjab Education Department. However, due to non-availability of regular Headmasters in various schools, the petitioners (Masters) were deputed to perform the duties of 'Headmaster' with the powers of Drawing and Disbursing Officers. The petitioners discharged their duties as such for a period from 7 years to 15 years. It is further submitted that the next promotional post in the Cadre of Master is the post of Lecturer or Headmaster, as prescribed in The Punjab State Education

Class III (School Cadre) Service Rules, 1978. The petitioners were deputed to perform the duties of Drawing and Disbursing Officers/Headmasters being senior-most Masters in their respective Schools.

It is submitted that the petitioners having been deputed against the vacant posts of Headmasters for more than seven years, are eligible to be directly promoted as Principal i.e. the next promotional post for Headmasters. The petitioners have been denied the benefit of promotion as Principals only on the ground that they were never promoted as Headmasters.

On the other hand, learned State counsel submits that all the petitioners except petitioner No.3, are working in the Master cadre, whereas, petitioner No.3 is working as Math Lecturer w.e.f. 16.05.2012. None of the petitioners (Master cadre) have worked as Headmaster/Headmistress and petitioner No.3 is working as Lecturer w.e.f. 16.05.2012, therefore, does not fall within the zone of consideration.

Heard.

It is to be noticed that the post of Principal which is being claimed by the petitioners, is a Group A post and is governed by the provisions of the Punjab Educational Service (School and Inspection) Group-A Service Rules, 2004 (for short, 'the 2004 rules'). The 2004 rules provide for a minimum experience of seven years as Headmaster/Headmistress to be considered for promotion. In the present case, the petitioners have not even been promoted to the post of Headmaster/Headmistress. The petitioners were given the duties of Drawing and

Disbursing Officer being senior-most in the Master Cadre as certain posts of the Headmasters were lying vacant in their respective schools. Therefore, the said placements of the petitioners as Drawing and Disbursing Officers cannot be termed as promotion to the post of Headmaster/Headmistress or Principal as they had never been promoted or designated as such. It has also been brought to the notice of the Court that the petitioners were paid extra remuneration for the period they had discharged the additional duties as Drawing and Disbursing Officers.

In view of the above discussion, this Court does not find any merit in the instant petition and the same is hereby, dismissed.

16.01.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No