

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

Date of Decision: August 27, 2019

1. CWP No.13592 of 2018 (O&M)

Archana & others

...Petitioners

Versus

State of Haryana & others

...Respondents

2. CWP No.3871 of 2019

Rajesh Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

**Present: Mr. Mandeep Singh, Advocate,
for the petitioners in both the cases.**

**Mr. Hitesh Pandit, Addl.A.G.Haryana,
for the State.**

AMIT RAWAL, J. (Oral)

**This order of mine shall dispose of two Civil Writ Petitions
bearing No.13592 of 2018 and 3871 of 2019 as the facts are identical.**

**In CWP No.13592 of 2018, petitioners have sought quashing of
the impugned order dated 07.08.2017 (Annexure P-8), whereby their claim
for promotion to the post of PGT (Hindi) has been rejected, whereas CWP
No.3871 of 2019 has been filed seeking promotion to the post of PGT
(Hindi).**

The facts which emanate from the contents of CWP No.13592 of 2018 are that petitioners have been serving as Sanskrit Teacher (Classical & Vernacular) now called as TGT (Sanskrit) in the Education Department, Haryana having the qualification of B.A., B.Ed., M.A. in Hindi with more than 50% marks. The chart specifying the date of appointment and educational qualification has been extracted in Para 2 of the writ petition, which has not been denied in the written statement and, therefore, need not to be reproduced.

Mr. Mandeep Singh, learned counsel appearing on behalf of the petitioners submits that petitioners have attained the experience of two years as per the Haryana State Education School Cadre (Group B) Service Rules, 2012 (for short, 2012 Rules), but despite that their cases were not considered for promotion. In this regard, were compelled to approach this Court after having represented. This Court, vide order dated 21.03.2017 (Annexure P-5), directed the respondents to pass a speaking order. It is in this background of the matter, petitioners are aggrieved of the impugned order, whereby their case of promotion has been denied wholly on erroneous grounds, much less non-application of mind. He further contends that the impugned order does not reflect the denial of the status of the petitioners being TGT (Sanskrit). Attention of this Court has also been drawn to the relevant para of the appointment letter.

Per contra, Mr. Hitesh Pandit, learned Additional Advocate General, Haryana supported the impugned order by relying upon the rules. The petitioners do not have the experience of Hindi and, therefore, do not fall within the zone of consideration under applicable 2012 Rules and in the absence of the experience, petitioners' case has already been rejected.

In rebuttal, learned counsel for the petitioners has also referred to Annexure P-12 and its vernacular, whereby Headmaster of Govt.High School, Pahlwan (Jind) certified that the petitioner has teaching experience along with Sanskrit of more than ten years.

I have heard the learned counsel for the parties and appraised the paper book and of the view that it is a fit case where the impugned order is liable to be set-aside.

It would be in the fitness of things to extract the translated copy of the certificate (Annexure P-12) and the relevant portion of the 2012 Rules laying parameters for consideration for promotion to the post of PGT (Hindi). The same read thus:-

“Annexure P-12

Office:-Head Master of G.H.S.Pahlwan (Jind)

Dated:- 25.12.2017

Teaching Certificates

It is certified that Smt.Archana Devi was appointed as Sanskrit Teacher on 07.08.2017. As per rules Sanskrit teachers have to teach Hindi when post of Hindi teacher remains vacant. The teaching experience of Hindi along with Sanskrit of above said teacher is more than 10 years as per earlier records.

Headmaster

Govt.High School

Pahlwan (Jind)

Relevant portion of the Rules

Sr. No.	Designation of posts	Academic qualifications and experience, if any, for direct recruitment on contract basis	Academic qualification and experience, if any, for appointment other than by direct recruitment on contract basis
1	2	3	4
	Xxx	Xxx	Xxx
4	PGT Hindi	(i) M.A. Hindi with atleast 50% marks and B.Ed from recognised university; (ii) Matric with Hindi/Sanskrit or - 10+2/B.A./M.A. with Hindi as one of the subject; AND (iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/ School Teachers Eligibility Test (STET). (iv) Consistent good academic record	By promotion:- (i) M.A. Hindi with atleast 50% marks and B.Ed from recognised university; AND (ii) 2 years teaching experience as TGT Hindi/ Hindi teacher; AND (iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET). By transfer or deputation:- (i) M.A. Hindi with atleast 50% marks and B.Ed from recognized university; AND (ii) 5 years teaching experience as PUT Hindi; AND (iii) Matric with Hindi/ Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject; AND (iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET)/School Teachers Eligibility Test (STET).

The tenor and mode of the impugned order has been only on the erroneous application of 2012 Rules as the petitioners have not obtained the experience of two years in Hindi. The reply is bereft of the denial of the averments of the writ petition and Annexure P-12. Impugned order also does not deny the status of the petitioners, therefore, argument of the

learned State counsel at this point of time that the Sanskrit Teacher (C&V) is a different cadre is neither here nor there, thus, rejected.

No doubt, 2012 Rules envisage two years' experience as TGT Hindi, but Sanskrit is more complicated than Hindi. It is the Hindi which has been derivative of Sanskrit. It is, thus, incomprehensible that the Sanskrit teachers would be incapable of teaching Hindi. In the absence of denial to the certificate, adverse inference is liable to be drawn. The impugned order, in such circumstances, does not stand the touchstone of reasonability.

Accordingly, the impugned order is accordingly set-aside. Writ petitions are allowed. Respondents are directed to consider the case of the petitioners for promotion in view of the observations made here-in-above within a period of two months from the date of receipt of certified copy of this order. In case no such action is taken, in order to prevent the wrath of another round of litigation of filing contempt, I deem it appropriate to impose costs of ₹ 50,000/- upon the respondents in case no action is taken within the time specified.

August 27, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No