

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

CWP-3402-2016 (O&M)
Date of decision : 03.04.2019

Gurjeet Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Gaurav Sharma, Advocate,
for the petitioner(s).

Ms. Kanica Sachdeva, AAG, Punjab.

JITENDRA CHAUHAN, J.
CM-4042-CWP-2018

CM application is allowed as prayed for, subject to all just exceptions.

Main case

By way of the instant petition filed under Articles 226/227 of the Constitution of India, the petitioners, *inter alia* seek issuance of a direction to respondent Nos.1 and 2 to consider and promote the petitioners as Director of Physical Education (DPE) in the Masters' Cadre retrospectively, w.e.f. from the date the persons junior to the petitioners in the cadre of Physical Training Instructors (PTI) were promoted.

Learned counsel contends that the case of the petitioners is squarely covered by the ratio of law laid down by Hon'ble the Supreme

Court in Civil Appeal No.4149 of 2012, titled as ***Kamaljit Kaur & Anr. Vs. State of Punjab & Ors.***, decided on 07.02.2018 (Annexure P-14).

Learned State counsel does not dispute this factual aspect of the matter.

Heard.

In ***Kamaljit Kaur's case (supra)***, it has been observed as under:-

“The degree certificate placed on record clearly shows that the appellants had passed the examination of Bachelor of Physical Education and obtained a B.P.Ed. Degree which we are told is a three-year degree course.

That being the position, we fail to understand as to how the High Court could come to the conclusion that the appellants did not have a graduation degree.

No dispute was raised by the respondents in the High Court with regard to the Advance Physical Training Course Degree or Diploma which is the second part of the eligibility criteria.

Since the High Court has erroneously held that the appellants did not possess a graduation degree, we set aside the judgment and order passed by the High Court both by the learned Single Judge as well as by the Division Bench.

The appeal is allowed.”

In view of the stand taken by the parties that the matter in hand is squarely covered by the judgment rendered by this Court in ***Kamaljit***

Kaur's case (supra), the instant writ petition is allowed in the same terms.

03.04.2019
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No