

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

CWP-34696-2019

Date of Decision: November 28, 2019

Gordhan @ Goverdhan

... Petitioner

Versus

State of Haryana and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJIV SHARMA**

**Present: Mr. Randhir S. Hooda, Advocate,
for the petitioner.**

Ravi Shanker Jha, Chief Justice (Oral)

The petitioner has filed this petition assailing the constitutional validity of clause 31 of Appendix B appended to the Haryana Technical Education Department (Group B) Service Rules, 2019.

The petitioner is working on the post of Deputy Superintendent in the Directorate of Technical Education, Haryana. The learned counsel for the petitioner submits that the petitioner's promotional post is Superintendent. Thereafter, he would be entitled to be considered for promotion on the post of Assistant Director. The petitioner has assailed the constitutional validity of the academic qualifications and experience prescribed for the post of Assistant Director for which the petitioner, as on date, is not eligible to be considered. It is submitted that the Rules have made Private Secretary having two years wholly or partially experience as Assistant in the Directorate of Technical Education eligible along with Superintendent working in the Directorate Technical Education, Haryana, for being considered for promotion on the post of Assistant Director which is unconstitutional. It is submitted that the Private

Secretaries form a separate channel; while Superintendents form a separate channel and, therefore, making both of them eligible for promotion on the post of Assistant Director.

We have heard the learned counsel for the petitioner at length.

Apparently, the petitioner is not eligible for being considered for promotion on the post of Assistant Director as the petitioner, as on date, is working on the post of Deputy Superintendent. At best, the petitioner with a lapse of time would be eligible to be considered for promotion only on the post of Superintendent. Quite apart from the above, nothing has been placed before this Court to indicate that the State of Haryana does not have legislative competence to frame the Rules or that the impugned Rules violate any fundamental right vested in the petitioner.

We are also of the considered opinion that as the petitioner is not eligible for being considered for promotion on the post of Assistant Director at this stage and therefore, the petitioner does not disclose any cause of action as his case has neither been considered or rejected. Challenge to the criteria an academic qualification is for persons who are eligible to be considered for promotion on the post of Assistant Director by the petitioner. The petition filed by the petitioner is totally misconceived and meritless and accordingly, the same is dismissed.

(Ravi Shanker Jha)
Chief Justice

November 28, 2019
vkd

(Rajiv Sharma)
Judge

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