

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

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CIVIL WRIT PETITION NO.3453 OF 2020
DATE OF DECISION: MARCH 19, 2020

Somesh Kumar Singla

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Raj Paul Kansal, Advocate,
for the petitioner.

Mr. Vikas Mohan Gupta, Addl.Advocate General, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that the petitioner, being a disabled person, is not granted promotion and rather he has sought modification of the orders dated 06.12.2016 (Annexure P-2) and 30.09.2019 (Annexure P-6) passed by the District Education Officer (Elementary Education), Patiala, whereby request of the petitioner for promotion was not accepted.

This case came up for hearing on 10.02.2020, when this Court, while taking a sympathetic view in the matter, had passed the following order:-

*“Learned counsel for the State to seek instructions with
reference to the order dated 30.09.2019(Annexure P-6) passed*

by the District Education Officer (Elementary Education) Patiala, whereby the claim of the petitioner for promotion to the post of Head Teacher has been restricted to Elementary School, Bhojomajri. Some nearby school, where the petitioner can be promoted as Head Teacher, be worked out so that he can get his due promotion as the initial order debarring him for two years for promotion was 06.12.2016, which period had expired on 05.12.2018 and still the petitioner has not been considered for promotion. List on 19.02.2020.”

In pursuance thereof, reply by way of affidavit of the respondents was filed, which was taken on record and thereafter counsel for the petitioner had sought time to seek instructions with reference to the stand of the respondents that the petitioner can be posted at Government Elementary School, Bhojomajri, District Patiala, which is approximately 10 K.Ms away from the present place of his posting. Orally it was also observed that wife of the petitioner would also be adjusted at the said place but despite this, counsel for the petitioner states that the petitioner is not willing to take up the said assignment. What has been asserted by counsel for the petitioner is that the place of posting of the petitioner is not 10 K.Ms from the present place of posting of the petitioner but it is 21 K.Ms away from Nabha i.e. the place of his residence.

Keeping in view the spirit of rationalization policy according to which the petitioner cannot be promoted and kept at that place, the plea of the petitioner to keep him at his present place of posting and to promote him as a Head Teacher there cannot be accepted. Thus, the prayer of the petitioner in the present writ petition cannot be accepted.

The writ petition, therefore, stands dismissed.

March 19, 2020
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(AUGUSTINE GEORGE MASIH)
JUDGE

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