

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

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**CWP No.12945 of 2020
Date of Decision: 28.8.2020**

DEEPAK MALIK AND ORS **Petitioners**

Vs

STATE OF HARYANA AND ORS **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Jawahar Lal Goyal, Advocate,
for the petitioners.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioners have filed this petition for quashing of the impugned rejection order Annexure P-12 (colly), whereby their claim has been rejected and also for issuance of directions to the respondents to promote the petitioners to the posts TGT English.

Learned counsel for the petitioners contends that petitioners No.1 to 4 possess required qualification in terms of Haryana School Education (Group C) State Cadre Service Rules, 2012. Petitioner No.5 also possesses requisite higher qualification in terms of Government instructions dated 25.3.2016 i.e. possesses higher qualification in the same line as

prescribed in the minimum qualification applicable to the post in question. The candidatures of the petitioners have been declined for promotion to the posts of TGT English on the ground that they have no English subject in B.Ed. and therefore, they are not eligible for promotion.

Learned counsel further contends that there is no such restriction in the provision made in the Haryana School Education (Group C) State Cadre Service Rules and the petitioners are fully eligible for promotion to the post of TGT English. Learned counsel also referred to identical CWP Nos. 31822 of 2019 and CWP No.10054 of 2016 decided by the High Court, thereby directing the authorities to consider the claims for promotion of those writ petitioners to the posts of TGT English.

Precisely, for the grievance in question, petitioners have filed a legal notice to respondents No.1 and 2 on 10.2.2020 (Annexure P-13), but the same has not been decided so far.

Notice of motion.

On the asking of the Court, Ms.Deipa Singh, Addl.A.G. Haryana accepts notice on behalf of the respondents.

In view of nature of controversy involved, I deem it appropriate to exempt the filing of any response at this stage.

In view of above, this petition is disposed of by directing respondent No.2 to decide the claims of the petitioners

in view of their pleadings in the legal notice in accordance with law within a period of two months from the date of receipt of certified copy of this order. If the claims of the petitioners are found to be worth acceptance, then the needful be done within a further period of one month thereafter. If the claims of the petitioners are not to be accepted then a speaking order be passed in the context of decision on the legal notice.

(RAJ MOHAN SINGH)
JUDGE

August 28, 2020

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1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No