

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

CWP No.7471 of 2020 (O&M)

Date of Decision: 27.05.2020

(Heard through VC)

Suman Setia

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K. Malik, Advocate
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

By way of the present writ petition filed under Article 226 of the Constitution of India, petitioner is seeking a writ of certiorari to quash the order dated 24.05.2018 (Annexure P-5) as passed by the respondent authorities whereby her case for promotion has been rejected on the ground that she does not possess the necessary qualification of B.Ed with teaching Subject Punjabi and not possessing 50% marks in graduation.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner has the necessary qualification of Matric with Hindi as subject with two years Diploma in Elementary Education, B.A. with elective subject Punjabi with 53% marks, B.Ed. and thus, she is eligible for appointment to the post of JBT Teacher and further entitled to the post of Punjabi Teacher (TGT Punjabi). However, her case for promotion was rejected primarily on the ground that she did not have the qualification of B.Ed. which is against the Haryana School Education (Group C) State Cadre Service Rules, 2012. It is further contended that this issue is no longer *res integra* having been settled by this Court in Civil Writ petition No.10054 of

2016 titled as 'Mahesh Kumar Vs. State of Haryana and others' and other connected matters decided on 23.04.2019.

Learned counsel for the petitioner also contends that petitioner would be satisfied in case her grievance is considered in the light of judgment rendered by this Court in Mahesh Kumar's case (supra).

Notice of motion.

On the asking of the Court, Ms. Shruti Jain Goyal, Addl. A.G., Haryana, who is present in Court through the medium of Video Conferencing, accepts notice for the respondent-State and submits that she has instructions to state that claim of the writ petitioner would be considered in the light of judgment rendered by this Court in the writ petition mentioned above.

I have heard learned counsel for the parties and propose to dispose of the writ petition *in limine*. The limited prayer of the petitioner is that she has not been considered for promotion to the post of TGT (Punjabi) primarily on the ground that she does not possess the qualification of B.Ed. with teaching subject Punjabi and not possessing 50% marks in graduation, which is in violation of the statutory rules of 2012. This Court in Mahesh Kumar's case (supra) was seized of the matter when petitioners who were seeking promotion to the posts of TGT Science Teacher were not considered for promotion on the ground that they did not have 50% marks in B.Sc. This Court dealt with the issue and allowed the writ petition with a direction to promote the petitioners as TGT Science Teachers. It was further held that NCTE guidelines are binding on the State.

In the instant case, since the State has given a very fair offer of deciding the case of the petitioners in terms of judgment rendered in Mahesh

Kumar's case (supra) and as the petitioner has no objection to the same, this writ petition is being disposed of by giving direction that the case of the petitioner be considered for promotion to the post of TGT Punjabi Teacher in terms of judgment relied upon by the petitioners in CWP No.10054 of 2016 titled as 'Mahesh Kumar Vs. State of Haryana and others' and other connected matters decided on 23.04.2019 within a period of three months from receipt of certified copy of the order.

(JAISHREE THAKUR)
JUDGE

May 27, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No