

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 8689 of 2020 (O&M)
Date of decision : August 04, 2020

Vijay Pal

....Petitioner

versus

State of Haryana and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Bhag S. Suhag, Advocate, for the petitioner
Mr. Ravinder Dhull, Addl. AG, Haryana

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Vijay Pal has come up in this civil writ petition under Articles 226/227 of the Constitution of India seeking issuance of writ in the nature of certiorari for quashing of order dated 4.9.2019, Annexure P/5 and recommendations of the State Level Committee Annexure P/4 by virtue of which petitioner claims that he has been ignored for the grant of **State Teacher Award for the year 2019** (in short the award). The petitioner claims that he has been appointed as TGT Science teacher on 15.7.1988 and had served at

different schools during the period of his service and alleging that on account of his hard working wherever he served the school used to secure good results and ultimately he was promoted as ESHM in August, 2017 and posted to Government Middle School, Gujjar Block Nahar, Tehsil Kosli, District Rewari and from where he is likely to retire on 31.7.2020 after attaining superannuation. The case of the petitioner is that the Government of Haryana grants State Teacher Award to outstanding teachers every year regarding which instructions have been issued by the Government. The petitioner has alleged that his name for this award in the year 2019 was duly recommended by the appropriate authorities. However, at the State Level Committee, the marks awarded to him under various heads were reduced from 81 to 66 out of 100 and therefore, alleging that being a capricious, arbitrary and illegal act has compelled the petitioner to invoke the jurisdiction of this Court and on the grouse that being most eligible was entitled to this award.

The State in its response though had not denied the institution of the State Teacher Award and the employment and posting of the petitioner had stressed the manner of recommendations of such awards. The State claims that names of the teachers are first recommended by Block Education Officers to the District Level Committee keeping in view teacher's track record

in service. The District Level Committee thereafter recommends the names of the eligible teachers as per the criteria to the State Level Committee which finally recommends the names of the teachers for these awards. The primary stand of the State is that the petitioner was awarded 81 marks by the District Level Committee but the same was reduced by the State Level Committee to 66 marks as under the policy 15 marks were given in excess contrary to the State policy for these awards. The objection primarily is that the District Level Committee though has allocated 5 marks to the petitioner for school beautification certificate, however, the same was not forwarded with a valid school beautification certificate with the profile of the petitioner and one being sent was not signed by the Director, Secondary Education. It is further claimed that the District Level Committee allocated 30 marks for interview by Experts. However, the State Level Committee had found that the petitioner is entitled to only 20 marks. Keeping in view the award criteria for Elementary School Headmaster, total 25 marks can be awarded by Experts and since the criteria prescribed for interview by Experts or Audio Video of one model lesson class room teaching of at least 30 minutes by the State Level Committee and 5 marks for contribution towards Teacher Learning Material used in the Model Lesson could not be awarded as the petitioner

did not qualify for these 30 marks and therefore, only 20 marks were allocated.

The word 'award' means to adjudge to be due and leads to a decision which is made collectively by the umpires appointed to judge a person's work. Reverting back to the case in hand the State has laid policy on the basis of which the award is to be made which is multi tier in its approach. In the case of the petitioner, the names are recommended from the Block level to District level and thereafter to State level. In the light of the stand of the respondents which is reiterated with much force and vehemence on behalf of the State by their counsel Mr. Ravinder Dhull, Addl. AG, Haryana, the claim of the petitioner regarding his school having been awarded first position at Block Level School Beautification competition and such a certificate to be valid in the eyes of law has to be issued by the Director, Secondary School, Haryana. The certificate on the basis of which the petitioner has laid his claim being not valid, disentitles him to 5 marks. Rather as has sought to be projected by the State there is not an iota of evidence laid at the time of recommendation that the school of the petitioner had won first position award of Rs 50,000/- at Block level for School Beautification competition. More-so the assessment of teachers is to be made on the basis of interview by Experts or Audio Video of one model lesson for class room teaching

and by virtue of which the State Level Committee necessitates that the award criteria for Elementary Headmaster/TGT/C&V Teachers only 25 marks can be awarded for interview by the Experts. However, in the case of the petitioner he was awarded 30 marks against the laid norms. Counsel for the petitioner could not bring about any substantial material to cement his claim to this award. Apparently, the petitioner is only placing reliance on contingency bill to bring about his claim to this award and which does not satisfy the requirements. There is no convincing arguments brought about to the Court on behalf of the counsel for the petitioner that the petitioner qualifies for the grant of State Teacher Award for the year 2019. No fault could be pointed out emanating from the proceedings of the State Level Committee which could be a solace for the petitioner. There being no merit, the instant petition stands dismissed.

August 04, 2020
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No