

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

CWP No.9025 of 2020 (O&M)

Date of Decision: 02.09.2020

(Heard through VC)

Prem Lata

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Harish Nain, AAG, Haryana.

JAISHREE THAKUR, J. (ORAL)

By way of the present writ petition filed under Article 226 of the Constitution of India, petitioners are seeking a writ of certiorari to quash the order dated 24.05.2018 (Annexure P-4A) 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 English.

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 Education, B.A. with English and B.Ed. and thus, she is eligible for appointment to the post of JBT Teacher and further entitled to the post of English Teacher (TGT Punjabi). However, her case for promotion was rejected primarily on the ground that she did not have the qualification of B.Ed. with teaching subject English and

50% marks in graduation 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.12143 of 2016 titled as 'Suresh Chander and others Vs. State of Haryana and others' decided on 12.09.2018.

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 Suresh Chander's case (supra).

Mr. Harish Nain, AAG, Haryana submits that the case of the petitioner would be considered in the light of judgment referred to supra by the counsel for the petitioner and the writ petition may be disposed of accordingly.

I have heard learned counsel for the parties.

The limited prayer of the petitioner is that despite the fact she fulfills all the qualifications, her case for promotion to the post of TGT English has not been considered and her juniors have already been promoted. In this regard, she has already submitted a legal notice dated 16.03.2020 (Annexure P-6) but no action has been taken on the same.

In the instant case, without going into merits of the case, since the State has given a very fair offer of deciding the case of the petitioner in terms of judgment rendered by this Court in CWP No.12143 of 2016 titled as 'Suresh Chander and others Vs. State of Haryana and others' and 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 English Teacher in terms of judgment relied upon by the petitioners in CWP No.12143 of 2016 titled as 'Suresh Chander

and others Vs. State of Haryana and others' decided on 12.09.2018 within a period of three months from the date of receipt of certified copy of this order by passing a speaking order. In case the petitioner is found entitled to the relief, necessary step be taken in that regard within two months thereafter.

(JAISHREE THAKUR)
JUDGE

September 02, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No