

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

**CWP-14275-2020
Date of Decision : 14.09.2020**

Anil Kumar and another Petitioners
Versus
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. Parth Goyal, Advocate
for the petitioners.

ASHOK KUMAR VERMA, J. (Oral)

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

Through this petition under Articles 226/227 of the Constitution of India, prayer has been made for quashing the impugned order dated 02.05.2018, whereby claim of the petitioners for promotion to the post of TGT Sanskrit has been rejected despite the fact that they are fully eligible as per Service Rules, 2012 (Annexure P-1).

Learned counsel for the petitioners contends that petitioners possesses required qualification in terms of Haryana School Education (Group C) State Cadre Service Rules, 2012 (in short 'the Rules'). The candidatures of the petitioners have been declined for promotion to the posts of TGT Sanskrit on the ground that they have no Sanskrit 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 Rules and the petitioners are fully eligible for promotion to the post of TGT

Sanskrit.

Precisely, for the grievance in question, petitioners have served upon a legal notice to respondents No.1 and 2 through counsel on 14.07.2020 (Annexure P-11), but the same has not been decided so far.

Notice of motion.

On the asking of the Court, Mr. Sandeep Singh Mann, AAG, 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 (Annexure P-11) 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.

14.09.2020

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No