

108

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

**CWP No.14632 of 2020((O&M)
Date of Decision: 17.09.2020**

Kashmiri Lal

.....Petitioner

Vs

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Anand Bhardwaj, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner has preferred this writ petition for issuance of necessary direction in the nature of mandamus, directing the respondent Directorate to consider the eligibility of the petitioner for promotion to the post of TGT English with effect from the date from which juniors to the petitioners were promoted.

Learned counsel for the petitioner submits that juniors to the petitioner have been promoted to the post of TGT English vide orders dated 02.08.2018 and 05.03.2020. Petitioner was appointed as JBT teacher on 08.07.2004 on regular basis.

Petitioner possesses the qualification of BA with more than 50% marks in English. Petitioner is post graduate in English and having two years diploma in education. He did not have English as teaching subject in B.Ed. According to the Haryana School Education (Group C) State Cadre Service Rules, 2012, the promotion to the post of TGT English is made from amongst the JBT teachers on seniority cum merit basis. The main qualification prescribed in the aforesaid rule for promotion is BA with at least 50% marks in English and two years diploma in education.

According to the learned counsel for the petitioner, the petitioner fulfills the aforesaid criteria, but still he has not been promoted. He placed reliance upon CWP No.12143 of 2016 allowed by the High Court vide order dated 12.09.2018 by holding that the relevant teaching subject in B.Ed is not necessary where the candidate has passed two years diploma in education. The needful has already been done by the Department by promoting the petitioner of CWP No.12143 of 2016.

Precisely for the grievance in question, the petitioner has already moved a representation/demand notice dated 15.03.2020, but the same has not been decided so far.

In view of nature of order, which this Court proposes to

pass, there is no necessity of calling upon reply at this stage, as no order prejudicial to the interest of the respondents is being passed.

In view of aforesaid position, it would be just and appropriate to direct respondent No.2 to have a fair look on the grievance of the petitioner and decide the claim of the petitioner within one month from the date of receipt of certified copy of this order. If the claim of the petitioner is found to be worth acceptance then needful be done within two weeks thereafter and if the claim is found to be baseless, then the speaking order be passed and be communicated to the petitioner forthwith.

Disposed of.

17.09.2020

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No