

(205) IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No.22493 of 2011 (O&M)

Date of decision: 04.02.2020

Arvind Jassal and Ors.

.... Petitioners

Versus

State of Haryana and Ors.

.... Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Mr. R.K. Malik, Sr. Advocate with  
Mr. Digvijay Singh, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

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**B.S. Walia, J. (Oral)**

[1] Learned Sr. Advocate assisted by Mr. Digvijay Singh, Advocate states that pursuant to closure of the school in which the petitioners were working, the petitioners were entitled to be adjusted in other aided schools under orders of the Director, Secondary Education exercising powers under Rule 59 (3) of the Haryana School Education Rules, 2003 notified on 01.04.2007 but despite the petitioners having represented for the same, no decision was taken in respect thereto by the Director, Secondary Education. Learned counsel states that in the meantime due to promulgation of the Haryana Voluntary State Education Service Rules, 2017, employees working in aided schools are entitled to give an option for being absorbed in government service, but claim of the petitioners for being absorbed in government service has been rejected as evident from affidavit of Sh. Anil Nagar, Joint Director Administration dated 03.10.2019 on the ground that the petitioners were not in service at the time of promulgation of Haryana

Voluntary State Education Service Rules, 2017, therefore were not entitled to be absorbed in government service.

[2] Learned counsel states that the petitioners were not absorbed in service in aided schools solely on account of failure of the Director, Secondary Education to exercise powers under Rule 59 (3) of the Haryana School Education Rules, 2003 notified on 01.04.2007 and that the same constitutes a mitigating factor, therefore, the writ petition is liable to be disposed of by directing the Director, Secondary Education to consider the claim of the petitioners for absorption in government service in the aforementioned context.

[3] Learned Sr. DAG states that he has no objection to the aforementioned limited prayer of the petitioners.

[4] Without commenting upon the merits of the controversy or the entitlement of the petitioners for the relief claimed, the writ petition is disposed of by directing respondent No.2 to sympathetically consider and decide the claim of the petitioners for absorption in government service as expeditiously as possible in terms of the Haryana Voluntary State Education Service Rules, 2017 by taking into account mitigating circumstances of the petitioners being entitled to absorption in other aided schools pursuant to closure of the aided schools where they were working and no action having been taken on their claim by respondent No.2 in terms of Rule 59 (3) of the Haryana School Education Rules, 2003.

(B.S. Walia)  
Judge

04.02.2020  
amit

Whether speaking/reasoned: Yes/No.  
Whether reportable : Yes/No.