

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

**CWP-17154 of 2020 (O&M)
Date of Decision: 07.12.2020.**

Bhagwan Singh & Ors.

...Petitioners

V/S

State of Haryana & Anr.

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present : Mr. Sajjan Singh, Advocate
for the petitioners.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. Challenge herein, *inter alia*, is to the memo dated 28.05.2020 (Annexure P-8) by virtue of which, the petitioners-Elementary School Headmasters have been allotted 6 periods per day. They have been thus asked to take total of 36 periods per week in school.

2. Petitioners have pleaded that impugned action of the respondents contravenes Right of Children to Free and Compulsory Education Act, 2009 (for brevity, the Act) and Haryana Right of Children to Free and Compulsory Education Rules, 2011(Annexure P-2). It is also stated to be inconsistent with the stand of respondent-Department taken in a reply-affidavit filed in another writ proceedings bearing CWP No. 21989 of 2016. Basis thereof, prayer is to modify/ quash the impugned memo dated 28.05.2020 and to allot the work to the petitioners at par with High School Headmasters.

3. Learned counsel for the petitioners, *inter alia*, submits that instead of rationalizing the work and requirement of additional Teachers in the Department, the petitioners have been unnecessarily been burdened with extra periods to be delivered during a day. According to him, considering the nature

of job profile of petitioners, who have also to handle the administrative work, they cannot be allotted more than 24 periods in a week.

4. Having heard learned counsel for the petitioners, I am of the view that no interference is called for. Neither any constitutional and/or statutory right of petitioners is infringed herein nor is there any discrimination of any kind. They have all been allotted work as per the exigencies of their job.

5. A perusal of Schedule appended to Sections 19 and 25 of the Act and Rules framed there under, as applicable to State of Haryana, would make it abundantly clear that there is no bar on the school management to allot 6 periods a day to the Elementary School Headmasters. Rather, in the Schedule thereto envisages that Teachers can be allotted 45 hours of working per week including preparation hours.

6. So far as plea of petitioners seeking enforcement of the stand qua non rationalization of vacant posts, as taken in reply to CWP No. 21989 of 2016, the petitioners are at liberty and can approach the Competent Authority for mitigation of their grievance, if any.

7. In the premise, writ petition is dismissed.

8. Pending application(s), if any stand disposed of.

December 07, 2020
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(ARUN MONGA)
JUDGE

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