

IN THE HIGH COURT OF PUNJAB ANDHARYANAAT
CHANDIGARH

1. **CWP No. 6504 of 2016**

Santosh

.....Petitioner

vs.

State of Haryana and others

....Respondents

2. **CWP No. 6545 of 2016**

Birender Singh

.....Petitioners

vs.

State of Haryana and others

....Respondents

Date of decision:-11.02.2020

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Naveen Sharma, Advocate for
Mr. Amit Parashar, Advocate
for the petitioner.

Mr. Randhir Singh, Advocate
for State of Haryana

RITU BAHRI, J.(Oral)

This order shall dispose of the above two petitions as common question of facts are involved in all the petitions wherein petitioners are seeking quashing of orders dated 18.11.2014/26.08.2014 whereby their claim for promotion at par with juniors had been rejected. However, for facility of reference, the facts are being taken from CWP No. 6504-2016.

Brief facts of the case are that petitioner was appointed on the post of JBT teacher on 05.02.1999, vide appointment letter dated

promoted JBT Teachers/C&V teachers to the post of Social Studies Master (hereinafter to be referred as 'S.S. Master), who possess the requisite qualification of Social Studies Master in HES (School Cadre) with immediate effect.

The grievance of the petitioner is that vide order dated 12.12.2010, JBT teachers who are much juniors to the petitioner were promoted to the post of S.S. Master by ignoring the petitioner for promotion, who is having requisite qualification for the post of S.S. Master. The claim of the petitioner has been rejected due to non-availability of post. However, it has been mentioned in the impugned order that whenever, for the future promotion, cases will be considered from the field offices, the promotion case of the petitioner will be considered.

On notice, a reply has been filed on behalf of respondent Nos. 1 to 3 stating therein that as per Haryana State Education School Cadre (Group C) Service Rules, 1998 which were applicable in the year 2010, JBT and C&V teachers are eligible for promotion to the post of Social Study Master. JBT and C&V teachers are the district cadre posts and the appointment authority of both these posts are District Elementary Education Officers of the concerned District and their seniority and service record is maintained by District Elementary Education Officers. Vide office letter dated 29.10.2010, the cases for promotion to the post of Social Studies Master/Mistress from all the District Elementary Education Officers of the State were directed to send the name of eligible candidates for the said promotion within 15 days. The willing candidates submitted their names.

Thereafter, a common seniority list was prepared and promotion order dated

12.12.2010 was issued. The case of petitioner was not received. Thereafter, after the implementation of Right of Children to Free and Compulsory Education Act, 2009, there was a reorganization of the School Education Department Haryana. The two existing department i.e Primary Education Department (Class 1st to 5th) and Secondary Education Department (Class 6th to 12th) were converted into the Elementary Education Department (Classes 1 to 8) and Secondary Education Department (Classes 9th to 12th), vide notification dated 22.09.2011. The Master and C&V cadre of the Secondary Education Department who had taught Classes 6th to 10th have been held entitled to RTE Act, 2009 to teach class 6th to 8th. As a result of this position, there was reduction in number of students and workload and 10357 posts in Master and C&V cadre were thus converted into PGT Cadre vide order dated 14.03.2012. Thus, the workload of S.S. Masters decreased and 4753 posts of S.S. Masters become surplus.

Learned counsel for the petitioner has argued that even though the petitioner has not submitted her case for promotion on time, but she has right to be promoted keeping in view the fact that her juniors have been promoted.

This argument is liable to be rejected as after the implementation of Right of Children to Free and Compulsory Education Act, 2009, 10357 posts in Master and C&V cadre were converted into PGT Cadre and the workload of S.S. Masters decreased and 4753 posts of S.S. Masters become surplus. Further in the reply it has been stated that some cases were incomplete in the year 2010 due to some reasons and now 42 candidates were promoted vide letter dated 18.09.2013. The petitioner who

was posted at GGPS Nangal Chaudhary District Narnaul could submit her case for promotion to the District Elementary Education Officer, Narnaul but she did not submit the case.

Keeping in view the fact that 10357 posts in Master and C&V cadre were converted into PGT Cadre vide order dated 14.03.2012 and the fact that petitioner has not sent her case for promotion on time, at this stage, no case is made out for quashing of orders dated 18.11.2014/26.08.2014. Further in the impugned order, it has been mentioned that whenever, for the future promotion, cases will be considered from the field offices, the promotion case of the petitioner will also be considered.

The writ petitions are dismissed.

11.02.2020
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No