

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

**CWP-23598-2019 (O&M)
Date of Decision: 21.12.2020**

Sanjay Kumar

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition was filed raising a grievance that persons junior to the petitioner have been ordered to be promoted on the post of Elementary School Head Masters in HES-III School Cadre and the petitioner having arbitrarily being denied such benefit and in gross violation of the Haryana School Education (Group 'C') State Cadre Service Rules, 2012.

On a previous date of hearing i.e. on 24.11.2020, the following order was passed by this Court:

“Matter has been taken up through Video Conferencing via Webex facility in the light of the COVID-19 situation and as per instructions.

Petitioner, who is serving as a Punjabi Teacher (C&V Cadre) under the Department of Education, State of Haryana, is aggrieved of the action of the respondent authorities in not having granted to him benefit of promotion to the post of Elementary

School Head Master even though his juniors namely, Bhushan Kumar and Kuljeet Kaur, both Punjabi Teachers (C&V Cadre), have been so promoted vide order dated 24.08.2019 (Annexure P-7).

In the written statement filed on behalf of the State the factual premise as regards the juniors have been promoted stands conceded. A stand has been taken that only such Punjabi Teachers have been considered for promotion whose regular date of appointment was upto 22.04.1998.

The appointment letter of the petitioner along with other candidates has been placed on record at Annexure P-1. The appointment order was issued on 22.04.1998 and it clearly recites that the appointments have been made upon the recommendation of the Haryana Staff Selection Commission and in compliance with the Director of Secondary Education Haryana Chandigarh letter dated 10.04.1998. Name of the petitioner figures at Sr.No.8 in such appointment order. The contents of letter dated 22.04.1998 (Annexure P-1) are not disputed on behalf of the State.

Prima facie the stand being taken on behalf of the State to deny the petitioner promotion to the post of Elementary School Head Master w.e.f. 24.08.2019 at par with his juniors namely, Bhushan Kumar and Kuljeet Kaur cannot sustain.

At this stage, Mr.Saurabh Mohunta, learned Deputy Advocate General, Haryana seeks time to complete instructions as also for the respondent authorities to reconsider the entire issue and take necessary remedial steps.

List on 21.12.2020.”

Mr. Saurabh Mohunta, learned DAG, Haryana informs the Court that remedial action has since been taken and an order dated 07.12.2020 has been passed by the Additional Director (Admn.), Directorate of Elementary Education, Haryana and in terms of which the petitioner, who was working as C&V Punjabi Teacher has been promoted to the post of Elementary School Head Master w.e.f. 24.08.2019 i.e. the date from which other eligible/junior candidates had been so promoted.

A copy of the order dated 07.12.2020 has been forwarded by email and the same is taken on record as Mark 'A'.

In view of the above, the instant writ petition has been rendered infructuous for all intents and purposes and is disposed of accordingly.

Suffice it to observe that the petitioner would be entitled to all consequential benefits upon his promotion having been directed w.e.f. the date his juniors were so promoted.

21.12.2020*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) Whether speaking/reasoned? | Yes/No |
| ii) Whether reportable? | Yes/No |