

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21888-2020.

Date of Decision: December 17, 2020

RAJESH KUMAR

..... PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

..... RESPONDENT(s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Vikram Sheoran, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl.A.G., Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

Petitioner claims to be entitled for promotion to the post of Elementary School Head Master (ESHM) from the date his juniors/similarly situated employees have been promoted vide order dated 24.08.2019 (Annexure P-8).

Learned counsel for the petitioner submits that as per of Haryana School Education (Group C) State Cadre Service Rules, 2012, one of the conditions for promotion to the post of ESHM, is that a candidate should have a degree of B.A./B.Sc./one year Bachelor Degree in Education (B.Ed.) with at least 50% marks. However, as per notification dated 13.11.2019, requirement of minimum percentage of marks (50%) would not be applicable to those incumbents who had taken admission to the Bachelor

of Education or Bachelor of Elementary Education or equivalent course prior to 29.07.2011. The present petitioner, it is submitted, had cleared his B.A. and B.Ed. prior to 2011, therefore, he is entitled to promotion in terms of the relevant Rules, even if he has not secured 50% marks in the said course.

At this stage, learned counsel for the petitioner restricts his prayer for a decision on the legal notice dated 17.06.2020 (Annexure P-10), in a time bound manner.

Notice of motion.

Mr. Ashish Yadav, Addl. A.G., Haryana, accepts notice on behalf of all the respondents. Advance copy of the writ petition stands served. Learned counsel for the State does not raise any serious objection to the limited prayer addressed.

Keeping in view the facts and circumstances of this case, but without any expression of opinion on the merits of the matter, this petition is disposed of with a direction to the competent authority to consider and decide legal notice dated 17.06.2020 (Annexure P-10), by passing a speaking order within a period of three months from receipt of certified copy of this order.

Petition is disposed of accordingly.

17.12.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No