

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

CWP-2095 of 2021
Date of decision 29.01.2021

Pardeep Kumar

...Petitioner

Vs.

State of Haryana and anr.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anish Batra, Advocate
for the petitioner.

Ritu Bahri, J. (Oral)

Petitioner is seeking issuance of direction to the respondents to promote him to the post of TGT English w.e.f the date when the juniors of the petitioners were promoted (P-4 and P-7).

Petitioner was appointed as Drawing Teacher in Haryana Education Department on 11.08.2004. The petitioner possesses all the qualifications and experience as prescribed in the above Rules except that he does not have 50% marks in B.A or in English Subject in B.A. However, he has more than 50% marks in M.A. English.

Learned counsel is relying upon notification dated 25.03.2016 (P-2) issued by the Chief Secretary, Government of Haryana to all the Government Departments/Board/Corporations, vide which it was decided that if a candidate possesses higher qualification in the same line than the minimum qualification prescribed for a post, then he should be considered eligible for that post (P-2). The petitioner was promoted vide order dated 25.07.2018 and the juniors to the petitioner were promoted to the post of TGT English, vide order dated 02.08.2018. Later on the promotion order

dated 25.07.2018 (vide which the petitioner was promoted), was withdrawn on 11.09.2018 and the petitioner was reverted back from the post of TGT English only on the ground that he does not possess 50% marks in the English Elective degree of B.A (P-5).

The petitioner had given detail legal notice dated 12.10.2020 (P-8) as some other JBT teachers were also being deprived of the promotion to the post of TGT English on the same ground and some of them filed ***CWP No. 24952-2018 titled as Azad Singh and others vs. State of Haryana and another***, which was disposed of on 28.09.2018 with direction to the respondents to decide the legal notice of the petitioners. The respondent-department then vide order dated 25.02.2019 promoted the petitioners of CWP No. 24952-2018 as they were having more than 50% marks in the higher qualification (P-7).

In view of the above factual position, the present petition stands disposed of by giving direction to respondent No 2 to pass speaking order on the legal notice dated 12.10.2020 (P-8), within a period of two months, from the date of receipt of certified copy of this order.

29.01.2021

G Arora

(RITU BAHRI)
JUDGE

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