

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

CWP-9530-2021

Date of decision: 07.05.2021

Monika Kumari and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vikram Sheoran, Advocate,
For the petitioners.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Bikramjit Patwalia, Advocate,
For the caveator.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioners, working as JBT teachers, *inter alia*, seek issuance of a writ in the nature of certiorari to quash the impugned order dated 30.04.2021 (Annexure P-8) whereby, allegedly in violation of the seniority rule, they have been asked to give preferences for temporary postings as against their currently allocated permanent district cadres.

2. Learned counsel for the petitioners submits that this is second foray of the petitioners before this court. Their earlier petition bearing CWP No.31823 of 2019 was disposed of vide an order dated 02.11.2019 (Annexure P-5) passed by a co-ordinate bench directing the competent authority to decide their representation. They had then also complained that persons lower in merit to the petitioners were allotted districts which were opted by the petitioners, without considering their claim as per inter se seniority. Pursuant thereto, respondent/competent authority passed a fresh administrative order dated 03.02.2020 (Annexure P-6) and allotted the

district cadres to the petitioners as per options given by them viz-a-viz their seniority. The petitioners joined their respective districts in compliance thereof.

3. Learned counsel further submits that post of JBT is a district cadre post. Vide impugned order herein, district cadre already allotted to the petitioners is being changed. Apparently, once again to accommodate certain other JBT teachers who are juniors to the petitioners. Same is in complete violation of applicable Service Rules, contends the counsel.

4. Notice of motion.

5. Ms. Shruti Jain Goyal, learned State counsel, on advance service, joins proceedings and accepts notice on behalf of the respondent-State of Haryana.

6. Mr. Bikramjit Singh Patwalia, Advocate also joins proceedings representing intervenors (another set of JBT teachers), who per him are likely to be adversely affected in case the impugned order is either stayed or set aside. He submits that due to paucity of time, he could not file caveat, though he had advance knowledge of the filing of the instant petition.

7. Heard all the respective counsels.

8. Learned counsels representing state as well as intervenors strenuously argue that absolutely no one junior to petitioners is being given posting/allocation of district cadre in violation of the merit list, as contended by learned counsel for petitioners.

9. Be that as it may, perusal of earlier administrative order dated 03.02.2020 (Annexure P-6) would reveal that concededly, certain juniors in the earlier round were indeed allocated district cadres in supersession of the options given by the petitioners, despite their being senior.

10. Admitted stand of the department thus is that seniority has to be given weightage while considering the options given by various JBT teachers in respect of allocation of district cadres. In the premise, it is made clear that the respondent/department shall be at liberty to implement the order impugned herein subject, of course, to the rider that no junior to the petitioners shall be allocated a district cadre qua which the petitioners have also given their choice.

11. Needless to say, at the cost of repetition, that all the options for district cadres given by JBT teachers across board, including petitioners herein, shall be considered by the competent authority/department strictly in accordance with the merit list maintained by the department.

12. Writ petition is disposed of with the aforesaid observations, as no further orders are required to be passed at this stage.

May 7th, 2021
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No