

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

CWP-12099-2021

Date of decision: November 17, 2021

Dharam Pal

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.S.K. Malik, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

LISA GILL, J.

Though matters were being taken up through physical hearing mode today, this matter has been taken up through video conferencing on specific request of learned counsel and in terms of circular dated 14.09.2021.

This writ petition has been filed by the petitioner for quashing order dated 24.05.2018 wherein petitioner's case for promotion to the post of TGT English has been rejected on the ground that he does not possess qualification of B.Ed. with teaching subject, English. It is claimed that such action is in violation of Haryana School Education (Group C) State Cadre Services Rules 2012.

Learned counsel for the petitioner submits that petitioner possesses qualification of matriculation with Hindi as a subject alongwith two years diploma in Elementary Education, a degree of BA with elective subject of English and B.Ed. Therefore, petitioner, it is stated, is entitled to be promoted to the post of TGT English. Petitioner was selected as JBT, ETT teacher on

13.07.2004. It is submitted that petitioner fulfills the eligibility criteria necessary for promotion to the post of TGT English. Reference is made to order dated 04.07.2019 in CWP-23209-2018 wherein petitioner did not possess a B.Ed. degree with English, as teaching subject though admittedly she had a Masters degree with English as teaching subject. It is further submitted that CWP-23209-2018 filed by a similarly situated petitioner was allowed. Learned counsel also refers to order dated 30.07.2018 passed by the respondent – authorities affording promotion to similarly situated persons with a rider that promotion would be subject to pending litigation as is mentioned therein.

Learned counsel vehemently argues that despite serving various representations and legal notice dated 16.03.2021 (Annexure P7), respondent – authorities are still not considering his case for promotion despite having passed order dated 30.07.2018 subsequent to order dated 24.05.2018. Learned counsel submits that there is no impediment in passing a conditional order in the petitioner's case as well but the respondents are unnecessary dragging their feet and in fact despite opportunity, reply has also not been filed in this writ petition.

At this stage, learned counsel for the petitioner restricts the prayer for a decision on legal notice dated 16.03.2021 (Annexure P7), submitted by the petitioner, in a time bound manner.

Learned counsel for the respondent-State does not raise objection to the restricted prayer.

Keeping in view the limited prayer addressed, facts and circumstances of the case but without expressing any opinion on the merits

thereof, this writ petition is disposed of with a direction to the competent authority, to decide legal notice dated 16.03.2021 (Annexure P7) by passing a speaking order while duly considering order dated 30.07.2018, in CWP-23209-2018 within two months from the date of receipt of certified copy of this order.

November 17, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No