

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

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**Civil Writ Petition No.12239 of 2021 (O&M)
Date of Decision: July 09, 2021**

Sube Singh

.....Petitioner.

VERSUS

State of Haryana and others

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE G. S. SANDHAWALIA

Present: Mr. Raman Chawla, Advocate
for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions)

G.S. SANDHAWALIA, J.(Oral)

By filing the present Civil Writ Petition under Article 226 of the Constitution of India, petitioner challenges the promotion list/order dated 04.05.2021 (Annexure P-7) issued by respondent No.2 vide which the teacher junior to the petitioner namely Devi Lal-respondent No.8 has been promoted.

The grouse of the petitioner, as such, is that the respondent No.8 was junior to the petitioner and despite that he has been promoted as Headmaster from amongst the Elementary School Headmasters/Trained Graduate Teachers. It is his case that vide a communication (Annexure P-4), the said fact has been brought to the notice of Director of Education, Education Department, Panchkula.

Notice of motion.

Mr. Harish Rathee, D.A.G. Haryana accepts notice on behalf of respondents No.1 to 7. Mr. Raman Chawla, Advocate for the petitioner will supply soft copy of the writ petition and copy of Annexure P-4 to learned State counsel during the course of the day.

Perusal of paper book would go on to show that petitioner was initially appointed as Maths Master vide appointment letter dated 23.03.1993 (Annexure P-1), whereas respondent No.8 was appointed on a subsequent date i.e. 08.09.1993 (Annexure P-2).

Counsel for the petitioner points out from the seniority list, whereby both of them were promoted as Elementary School Headmaster on 13.06.2013 (Annexure P-3) which goes on to show that petitioner was at seniority No.3428.1 whereas the said respondent was shown at seniority No.3434. At one point of time in April, 2016 vide seniority list (Annexure P-5), said respondent was shown as senior to the petitioner at seniority No.1818, whereas petitioner was shown at seniority No.2376. The said error was rectified on 01.07.2020 (Annexure P-6), wherein the petitioner was again shown at seniority No.1148 and said respondent Devi Lal was shown at seniority No.1160.

Keeping in view the above, this Court does not feel it appropriate to call for reply of the respondents, which will only cause delay in decision making process.

Accordingly, without commenting on the merits of the case but keeping the above facts as such in mind, this Court is of the considered opinion that the matter needs to be considered afresh by the competent authority, which shall take the decision on the issue within a period of two

months from the date of receipt of certified copy of this order by treating the writ petition as a representation.

Petition stands disposed of accordingly.

(G. S. SANDHAWALIA)
JUDGE

July 09, 2021

Sachin M.

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*