

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CWP No.12692 of 2020 (O&M)

Date of decision: 24.02.2021

Vinay Kumar Sharma

.....Petitioner

versus

State of Haryana and Ors.

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Mohd. Arshad, Advocate, for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court
on account of restrictions due to COVID-19).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Vinay Kumar Sharma, stated to be aged 32 years approximately, has filed the present writ petition *inter alia* with the prayer for quashing the speaking order/letter dated 28.02.2020 (Annexure P-8) passed by the respondent No.2 and directing the respondents to consider the case of the petitioner with regard to grant of promotion to the post of Principal (Mewat Cadre) at par with the co-employee who has been granted promotion as per seniority list (Annexure P-1), along with further relief as mentioned in the present writ petition.

Learned counsel for the petitioner, based on pleadings in the petition, submits that document Annexure P1, which is seniority list of Lecturer for Mewat Cadre as on 01.01.2018, shows that the petitioner is mentioned at Seniority No. 56. In the seniority list, the date of appointment as Lecturer of the petitioner is shown as 18.01.2012 and the mode of recruitment has been provided as direct recruitment. Learned counsel further

submits that from the post of lecturer, the next promotion is to the post of Principal. Learned counsel then submits that he was constrained to file CWP No.27087 of 2019 which was disposed of vide order dated 23.09.2019. Learned counsel submits that the petitioner was thereafter conveyed order/memo dated 29.11.2019, whereby it was mentioned that those PGTs (Mewat Cadre) upto seniority No. 54 as stood on 01.01.2018 having MA with 50% marks and 8 years experience in regular capacity, were found eligible and were promoted. It is mentioned that the petitioner was at Sr. No.56 in the seniority list. It has been further mentioned that the petitioner had although passed MA with 50% marks but he was stated to be not having experience of 8 years as PGT in regular capacity.

Records of the case show that vide order dated 25.08.2020, notice of motion was issued.

In response thereto, reply has been filed on behalf of the respondents. In the reply *inter alia* reference has been made to order dated 29.07.2019 and also the order dated 28.02.2020 (Annexure P-8).

This Court, by making reference to document Annexure P-1, finds that the petitioner from the date of his appointment i.e. 18.01.2012 has completed 8 years of service as on 18.01.2020. Therefore, on the date of issuance of memo dated 28.02.2020 (Annexure P-8), the petitioner had completed 8 years of service. It is also noticed that petitioner, vide Annexure P-2 dated 02.02.2019, had submitted a detailed representation wherein it was *inter alia* submitted that there were 56 sanctioned posts of Principal in Mewat District. It was further pleaded that Government of

Haryana has upgraded 14 schools and thus the Mewat Cadre has 70 sanctioned posts of Principal in Senior Secondary Schools. He further submits that due to retirements or for other reasons, more number of posts have fallen vacant.

It is also relevant to notice and record that the last person promoted vide order dated 25.07.2019 was at Sr. No.54 whereas petitioner is at Sr. No.56.

Learned counsel for the petitioner, at this stage, prays that the present writ petition be disposed of with a direction to the respondents to consider the case of the petitioner for promotion keeping in view the facts stated in representation (Annexure P-2).

In view of the peculiar facts as noticed above, the present writ petition is disposed of with a direction to the respondents that the petitioner as is evident from the facts noticed above, fulfil all the conditions. He has also completed 8 years of service and therefore, he be considered for promotion against the vacancies which are lying vacant on account of additional sanctioned post or retirements or for any other reasons.

Let the exercise of consideration be undertaken within a period of two months from the date of receipt of certified copy of the order in accordance with law, considering his eligibility and seniority.

(GIRISH AGNIHOTRI)
JUDGE

24.02.2021/*jyoti3*

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No