

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Writ Petition No. 70 of 2017 (O&M)

Vanita Dhir

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

AND

2. Civil Writ Petition No. 8021 of 2020 (O&M)

Vanita Dhir

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

Date of Decision: 15.01.2021

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. J.S.Mundi, Advocate
for the petitioner.

Mr. Ayush Sarna, Assistant Advocate
General, Punjab for the respondents.

Anil Kshetarpal, J.

By this order, Civil Writ Petition Nos. 70 of 2017 and 8021 of 2020 shall stand disposed of.

The petitioner was appointed as J.B.T. Teacher on 21.12.2001. Her further promotion is to the post of Punjabi Mistress. The petitioner filed Civil Writ Petition No. 11512 of 2013, claiming that her junior Smt. Amanpreet Kaur stood promoted on 24.08.2007, whereas she has not been considered. The aforesaid writ petition was disposed of on 24.05.2013 with the following order:-

“Petitioner, who is working as a JBT/ETT Teacher, has approached this Court with a grievance that she has not been considered and promoted to the post of a Punjabi Mistress despite her junior Amarpreet Kaur stands promoted on 24.8.2007.

Asserting her claim for promotion to the post of Punjabi Mistress, the petitioner had been requesting the respondents to grant her promotion. Two of such of the representations have been appended with the writ petition, which have been addressed to the Director, Public Instructions (Secondary Education), Punjab, dated 5.7.2011 and 9.12.2012 as Annexures P-3 and P-4. Counsel, therefore, contends that decision thereon is still awaited and a direction may be issued to respondent No.2-Director Public Instructions (SE), Punjab to consider and decide the same on an early date.

In view of the statement made by the counsel for the petitioner and without going into the merit of the case or commenting thereon, the present writ petition is disposed of with a direction to respondent No.2-Director Public Instructions (SE), Punjab to consider and decide the representation dated 9.12.2012 (Annexure P-4) within a period of three months from the date of receipt of certified copy of this order.

In case the claim of the petitioner is not to be accepted, then a well reasoned and speaking order be passed

and conveyed to the petitioner forthwith”.

However, still no order was passed forcing the petitioner to file COCP No. 1426 of 2015. Thereafter, the petitioner was promoted as Punjabi Mistress vide order dated 16.07.2015. It was ordered that the petitioner will also be entitled to notional promotion in the Master cadre as Punjabi Mistress from the date i.e. 24.08.2007 on which her junior Smt. Amanpreet Kaur was promoted.

In 2016, the petitioner was, once again, reverted to her previous cadre i.e. JBT/ETT on the ground that Smt. Amanpreet Kaur is infact from a different cadre as she was never appointed as JBT teacher. It was pointed out that she was appointed as a Clerk and thereafter, she was promoted as Punjabi Mistress.

The petitioner has now filed an application (Civil Misc. No. 610-CWP of 2021) for placing on record the seniority list of Master/Mistress cadre as on 19.06.2019. It has been pointed out that various teachers, who are identically situated and junior to her, have been promoted as Master/Mistress.

Keeping in view the aforesaid facts, it is considered appropriate to direct the Director, Public Instructions, Punjab, Vidya Bhawan, Phase VIII, S.A.S. Nagar, Mohali to consider the case of the petitioner and pass an appropriate order in accordance with law within a period of one month from today. Before passing any adverse order, an opportunity of hearing shall be granted to the petitioner. It is expected that a speaking and reasoned order will be passed after considering all aspects of the matter.

petitioner, shall continue to operate.

With the observations made above, both the writ petitions are disposed of.

The miscellaneous application(s), if any, pending in both the writ petitions, shall also stand disposed of.

(Anil Kshetarpal)
Judge

January 15, 2021
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No