

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.2525 of 2022 (O&M)

Date of Decision:10.02.2022

Subash Chander

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Harish Nain, AAG., Haryana.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, who is working as a JBT Teacher in the Education Department, has filed this writ petition with the grievance that his case for promotion has not been considered while his juniors have been promoted vide order dated 30.07.2018, Annexure P-9.

Learned counsel for the petitioners submits that the petitioner having been appointed on 01.02.1999, Annexure P-1, is senior to the persons promoted on 30.07.2018, Annexure P-9. Petitioner's case for promotion was recommended by the District Elementary Education Officer, Haryana, Panchkula, but petitioner's case was rejected on the ground that he did not have 50 % marks in BA. It is submitted that as per Haryana School Education (Group C) State Cadre Service Rules, 2012, there is no requirement of petitioner having secured 50% marks as he possesses a two year Diploma in Elementary Education. This fact was brought to the notice of the authorities, however, no action has been taken till date despite

petitioner being fully eligible for promotion to the post of TGT Social Studies. It is further submitted that petitioner has submitted legal notice dated 16.11.2021, Annexure P-7, in this respect, but to no avail.

Notice of motion.

Mr. Samarth Sagar, Addl.AG., Haryana, accepts notice on behalf of the respondents. Advance copy of the writ petition stands supplied.

At this stage, learned counsel for the petitioner restricts the prayer for a decision of legal notice dated 16.11.2021, Annexure P-7, submitted by the petitioner, in a time bound manner.

Learned counsel for the respondents does not raise any serious 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 16.11.2021, Annexure P-7, filed by the petitioner by passing a speaking order, within four months from the date of receipt of certified copy of this order. In case of an order adverse to the petitioner, same be by way of a speaking order.

10.02.2022

s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.