

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

**CWP-4309-2020 (O&M)
Date of Decision: 28.02.2022**

VIJAY KUMAR AND OTHERS

..... Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Manoj Makkar, Advocate
for the petitioners.

Mr. Pankaj Gupta, Advocate
for respondent no.1-UOI.

Mr. Kuldeep Tewari, Addl. AG, Haryana.

Mr. Lalit Rishi, Advocate
for respondents no.3 and 4.

LISA GILL, J.

Prayer in this writ petition is for quashing of category no.22, 70 and 71 of advertisement no.12/2019 (Annexure P-2), whereby inter alia applications for the post of group instructors have been invited.

Learned counsel for the petitioners submits that there can be no direct recruitment to the post of Group Instructors and appointment to the said post can be by way of promotion only. Learned counsel relies upon memo dated 07.01.2016 (Annexure P-3) to substantiate his argument. However, at the same time, learned counsel for the petitioners is unable to deny that Section 9(B) of Haryana Industrial Training Department, Field Officers (Group C) Service Rules, 2014 (for short Haryana Service Rules) provides the method of recruitment for Instructional Staff. Section 9(B) of the Haryana Service Rules provides that 25% of appointments to Instructional Staff (which includes Group Instructors) shall be by direct

recruitment and 75% by promotion from Instructors/Crafts Instructors/Technical Assistants etc. The petitioners are admittedly working as Instructors with the respondent-Department and are governed by the aforesaid Rules.

Read in conjunction with this Rule, it is apparent that memo/instructions dated 07.01.2016 (Annexure P-3) clearly refer to 75% of the total available posts and provides that 25% posts in promotion quota shall be reserved for degree holders and rest of 75% will be filled on seniority basis considering all. Relevant part of law/instructions dated 07.01.2016 reads as under:-

“After detailed discussion the Sub-committee approved following guidelines for Career progression for Instructors of ITIs:

- i) For promotion to the post of Principal and Group Instructor 25% of post in promotion quota will be reserved for degree holders. Remaining 75% will be filled on seniority basis considering all i.e. Degree (remaining not covered under 25%)/Diploma/CTS holders.”

A bare perusal of the Rules and Instructions dated 07.01.2016 reveal that it cannot by any stretch of imagination be held that recruitment to the post of Group Instructor can only be by way of 100% promotion and direct recruitment is impermissible. Reliance is also sought to be placed on a 'Draft Recruitment, Training and Career Progression Policy Document for Craft Instructors/Trainers of Industrial Training Institutes' to develop sustainability Plan for Recruitment/Training and Career Progression for Craft Instructors/Trainers of Government and Private Industrial Training Institutes, attached as Annexure P-5, to submit that appointment to the post of Group Instructor should be only by way of promotion and not by way of

direct recruitment. However, I do not find any merit in this argument as in the wake of specific Rules governing the recruitment and appointment to the post in question, there is no question of referring to any draft document.

Accordingly, this writ petition being devoid of any merit is dismissed.

Pending applications are disposed of accordingly.

(Lisa Gill)
Judge

28.02.2022

Sunil

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