

CWP-7044-2022

Date of Decision: April 04, 2022

RAJ RANI PALIWAL AND ORS

..... PETITIONERS

Versus

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Subhash Ahuja, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana (on advance notice).

LISA GILL, J.

Prayer in this writ petition is for quashing of notice dated 02.02.2022 (Annexure P9 attached collectively) issued to the petitioners regarding withdrawal of 3rd ACP afforded to them with a further prayer for directing the respondents to reconsider Haryana Civil Services (ACP) Rules, 2008; Haryana Civil Services (ACP) Rules, 2016 and Haryana Primary School Education (Group C) District Cadre Service Rules, 2012 for framing of a scheme for petitioners and all other similarly situated higher qualified i.e. B.A., B.ED.etc. JBT Teachers for providing them some promotional avenues or ACP grades so as to avoid stagnation.

Learned counsel for the petitioners has argued that petitioners had higher qualification of B.A. B.Ed/B.Sc. B.Ed. at the time of recruitment for the post of JBT. It is further contended that Haryana Primary Education (Group C) District Cadre Service Cadre Rules, 1994 were substituted by Haryana Primary School Education (Group C) District Cadre Rules, 2012, wherein a change was

effected in the requisite qualification for the post of Head Teachers. Petitioners it is stated stand excluded from the feeder category inasmuch as requirement for promotion to the post of Head Teacher is 10+2 with 50% marks. Learned counsel further relies upon Note 4 of Rule 7 of the Haryana Civil Services (Assured Career Progression) Rules, 2008 to submit that if there is no avenue of promotion then the employee shall be granted ACP level on completion of prescribed regular satisfactory service only. In this view, it is submitted that notice regarding withdrawal of 3rd ACP on the ground that petitioners are not qualified for the post of Head Teacher inasmuch as petitioners have not cleared 10+2 with 50% or more marks is unjustified. It is further submitted that that reply has been submitted to the said notice but no order is being passed by the authorities. Petitioners now apprehend that 3rd ACP shall be withdrawn and their pay shall be re-fixed without passing of any specific order by the authorities.

Mr. Harish Nain, AAG, Haryana to whom an advance copy of this writ petition has been supplied, however, points out that the matter pursuant to issuance of notice dated 02.02.2022 is pending before the authorities. It is submitted that final decision shall be taken only after due consideration of the reply submitted by the petitioners.

Keeping in view the facts and circumstances, it is directed that present writ petition be treated to be a representation on behalf of the petitioners in addition to the reply submitted by them and the matter be decided by the competent authority after taking into consideration the same by passing a speaking order. Needless to say in case of any decision adverse to the petitioners,

they are at liberty to seek their remedies in accordance with law.

Writ petition is disposed of accordingly.

April 04, 2022

rts

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No