

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

CWP-21436-2021

Date of Decision: 19.04.2022

RAJBIR

..... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amit Kaith, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J.

Petitioner seeks promotion to the post of PGT History w.e.f. 01.01.2014 besides 3rd ACP scale w.e.f. 01.02.2018.

Learned counsel for the petitioner submits that the petitioner who was duly selected and appointed as S.S. Master on 17.01.1994, fulfills all the eligibility conditions for the relief as claimed in the writ petition as per the applicable rules and provisions. In this respect number of representations as well as legal notice dated 11.11.2020 (Annexure P-5) was served by the petitioner but to no avail.

Learned counsel for the State, to whom an advance copy of the paper book had been supplied was asked to seek instructions regarding decision, if any, having been taken on the legal notice submitted by the petitioner. Learned counsel for the State, on instructions from Mr. Kuldeep Mehta, Superintendent, from the office of Assistant Director, PGT-1, submits that it is in fact the Director Secondary Education, which is the competent authority to decide the matter and not the Director Elementary Education, to whom the legal notice and representations have been addressed, therefore, the matter could not be decided.

At oral request of learned counsel for the petitioner, Director, Secondary Education, Shiksha Sadan, Sector-5, Panchkula (Haryana), is impleaded as respondent no.6. Necessary addition be carried out in the memo of parties.

Learned counsel for the petitioner restricts his prayer for a decision of petitioner's claim at this stage in a time bound manner.

Notice of motion.

Mr. Harish Nain, A. A.G., Haryana, accepts notice on behalf of all the respondents. Advance copy of the writ petition stands served. Learned counsel for the State does not raise any serious objection to the restricted prayer addressed.

Keeping in view the facts and circumstances of this case, but without any expression of opinion, this writ petition is disposed of with a direction that the present writ petition be treated to be a representation on behalf of the petitioner and the same be decided by the Director Secondary Education, Haryana, within a time bound manner and preferably within four months 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.

(Lisa Gill)
Judge

19.04.2022

Sunil

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