

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103

CWP-13888-2020

Date of Decision :03.08.2022

Sadhu Ram and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Sheoran, Advocate for the petitioners.

Mr. Harish Nain, AAG, Haryana.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the challenge is to order dated 03.05.2019 (Annexure P/9), by which, the prayer of the petitioners for promotion to the post of Master (Social Studies) has been declined by the respondents.

Learned counsel for the petitioners argues that the claim of the petitioners in the present writ petition is that they were senior to one Surender Pal, who was appointed after them in the cadre of JBT but got promoted as Master (Mathematics) on 07.10.1999 hence, the petitioners, who are also working as JBT teachers and eligible for promotion, are entitled to be promoted to the post of Master (Social Studies) with effect from the date, the said Surender Pal has been promoted to the post of Master (Mathematics).

Learned counsel for the petitioners further argues that as the claim of the petitioners has wrongly been rejected by the respondents vide

order dated 03.05.2019 (Annexure P/9), the same may kindly be quashed.

I have heard learned counsel for the petitioners and have gone through the record with his able assistance.

The claim of the petitioners is based upon promotion of one Surender Pal, who according to the petitioners, was junior in the JBT cadre. The question now arises, whether keeping in view the facts and circumstances of the present case, the petitioners are entitled for promotion to the post of Master (Social Studies) with effect from the date, the said Surender Pal has been promoted Master (Mathematics). It may be noticed that Surender Pal has been promoted to the post of Master (Mathematics) whereas, the petitioners who are claiming are eligible for promotion to the post of Master (Social Studies). The qualification prescribed for two posts i.e. Master (Mathematics) and Master (Social Studies) is entirely different. Once, the qualification for promotion to the post of Master (Mathematics) is different than the Master (Social Studies), the claim of the petitioners is totally misplaced on the ground that Surender Pal is junior to them.

Further, learned counsel for the petitioners has conceded before this Court that he does not fulfil the qualification of the post to which Surender Pal was promoted i.e. Master (Mathematics) hence, the claim of the petitioners that as one JBT teacher namely, Surender Pal, who is junior to them, has been promoted as Master (Mathematics), they should be promoted as Master (Social Studies), is not correct and cannot be accepted. Further, the seniority to claim promotion can only be seen in respect of the cadre, where a candidate is eligible and is similarly situated but, in the present case, the petitioners, who are working as JBT and are claiming promotion to the post of Master (Social Studies) by equating themselves

with JBT, who has been granted promotion as Master (Mathematics), the said claim is totally misplaced and cannot be accepted.

Keeping in view the above, no ground for interference by this Court is made out.

Dismissed.

August 03, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No