

In the High Court of Punjab and Haryana at Chandigarh

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CWP-21957-2022 (O & M)

Date of Decision: September 22, 2022

MEENAKSHI GARG @ MINAKSHI

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Diwan S. Adlakha, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the orders whereby her promotion on the post of Auction Recorder has been set aside.

Learned counsel for the petitioner submits that the petitioner had been directly appointed as a Clerk in the year 2011. She has an unblemished service record and, therefore, she was eligible for promotion as Auction Recorder, which had been granted to her on 09.03.2015. The respondents have erroneously set aside the promotion on the ground that she had not qualified the Punjabi type test. While relying upon the judgment of the Division Bench of this Court in the case of **Jagdish Kaur versus State of Punjab and others, 2004 (5) SLR 657** submits that passing of the type test cannot be a condition for promotion. He further submits that the petitioner had also cleared the Punjabi type test and the certificate in this regard is at Annexure P-4.

Heard.

The petitioner had been directly appointed as a Clerk in the year 2011. It was stipulated in the appointment letter that the petitioner would have to clear the Punjabi type test with a speed of 30 words per minute within a period of one year. The petitioner is stated to have cleared the Punjabi type test

from a private institute in the year 2013. Mere clearing the Punjabi type test in the private institute would not help the case of the petitioner as she had to clear the type test in the departmental examination conducted by the employer. The judgment of the Division Bench of this Court in the case of **Jagdish Kaur (supra)** is distinguishable on facts and not applicable in the instant case as the petitioner therein had been appointed as a Class IV employee and had thereafter been promoted as a Clerk. She was asked to clear the departmental examination after promotion and it was in such circumstances held that an employee, who was promoted from Class IV to Class III post would not have to pass the departmental examination, which is a condition for direct recruitment as a Clerk. In the instant case, the petitioner had been directly appointed as a Clerk and, therefore, passing of the type test is an essential condition which cannot be overlooked. The petitioner, therefore, could not have been promoted without passing the type test in Punjabi with a speed of 30 words per minute.

Consequently, I do not find any merit in this petition, which stands dismissed.

Needless to say that in the event of the petitioner qualifying the type test in future, she would be considered for promotion.

(ANUPINDER SINGH GREWAL)
JUDGE

September 22, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No