

CWP-25871-2021 (O&M)**Date of decision : May 04, 2022****Sahdev****.....Petitioner****Versus****State of Haryana and another****....Respondents****CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Anish Batra, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J.

Prayer in this writ petition is for a direction to the respondents to promote the petitioner to the post of Elementary School Head Master (ESHM) w.e.f. 09.11.2020 i.e. when his alleged juniors were promoted and to give all consequential benefits.

Though notice of motion was not issued in this writ petition, while observing that petitioner's case was prima facie not covered under the applicable Rules, learned counsel for the State to whom an advance copy of the writ petition was supplied, was directed to seek instructions in regard to the contention raised by learned counsel for the petitioner that respondent – authorities themselves are affording promotion to other candidates by not strictly adhering to the applicable Rule 9 of Haryana School Education (Group C) State Cadre Service Rules, 2012. Reference was made to the candidate reflected at serial No. 3792 in order dated 13.06.2013.

Short reply on behalf of respondents No. 1 and 2 has been filed. It is relevant to note at the outset that as per the applicable Rules i.e. Haryana School

Education (Group C) State Cadre Service Rules, 2012, eligibility criteria for promotion from TGT Master cadre to Elementary School Head Master by promotion is as under:-

“ By promotion:-

- (i) B.A./B.Sc. and 2-year Diploma in Elementary Education ;
OR B.A./B.Sc. with at least 50% marks and 1-year Bachelor in Education (B.Ed.); OR
B.A./B.Sc. with at least 45% marks and 1-year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard;)
OR
Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B.El.Ed.);
OR
Senior Secondary (or its equivalent) with at least 50% marks and 4 year B.A.Ed.;
OR
B.A./B.Sc. with at least 50% marks and 1-year B.Ed. (Special Education);
- (ii) 5 years experience in regular capacity as Hindi/Sanskrit/Punjabi Teacher/TGT,
- (ii) Atleast 3 weeks in-service training in administrative and accounts module.”

Admittedly, petitioner does not fulfill required qualification of B.A. with 50% marks alongwith B.Ed. In short reply dated 07.02.2022, it is explained that Dalip Singh, who was promoted in 2013 on the post of ESHM, has passed B.A. with 51.75% from Kurukshetra University and B.Ed. with 45.88% from Kurukshetra University, thus, he was fully eligible for promotion to the post

of ESHM, as per Service Rules whereas petitioner whose services were regularized vide order dated 20.01.2004, has passed B.Sc. with 45.37% from Kurukshetra University and B.Ed. with 53% from Kurukshetra University.

Learned counsel for the petitioner has made a vain effort to submit that candidates with 45% marks in B.A/B.Sc. and one year Bachelor in Education (B.Ed.) have been promoted while candidly admitting that this is so in respect to the qualifications, in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard. Therefore, petitioner admittedly not being eligible as per the applicable Rules, I find no ground whatsoever to interfere in this writ petition.

No other argument has been has been addressed.

Writ petition is dismissed being devoid of any merit.

May 04, 2022

rts

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

(LISA GILL)
JUDGE