

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 201

Civil Writ Petition No.15442 of 2002
Date of Decision: *August 04, 2023*

Maya Devi and others

..... PETITIONER(S)

VERSUS

State of Haryana and others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - None for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

. . .

Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *mandamus* directing the respondents to consider the petitioners eligible and promote them as Hindi Teacher, keeping in view the law laid down by this Court in CWP No.12450 of 1997 titled *Umed Singh and others v. State of Haryana and others*, decided on 19.03.1998.

2. It has been claimed in the petition that the petitioners are similarly situated as other JBT Teachers having the qualification of JBT Prabhakar, who have already been promoted as Hindi Teacher by the respondents. Therefore, they have a right to be promoted in view of the law laid down in *Umed Singh* case (*supra*).

3. Learned State counsel, by referring to written statement filed in the case, contends that *Umed Singh* case (*supra*) has no application to the facts of the instant case, because it was decided on the basis of notification, dated 13.01.1995, amending the Punjab State Education Service Class (III)

(School Cadre) Rules, 1955. The qualification of O.T. or its equivalent was recognized by the Education Department, and J.B.T. had earlier been held equivalent to O.T. The petitioners therein were, accordingly, held entitled to be considered for promotion so far as their academic qualifications were concerned. At the time of the filing of the instant petition on 06.09.2002, the Department had already notified Haryana State Education School Cadre (Group C) Service Rules, 1998. It is further submitted by the learned counsel that the rules prescribe Matric, Prabhakar/B.A. (Honors) in Hindi and L.T.C.(O.T.) in Hindi conducted by Haryana Education Department or recognized equivalent qualification, as essential qualification for promotion on the post of Hindi Teachers. Since, the petitioners do not possess the essential qualification of L.T.C.(O.T.) in Hindi, nor has it been recognised as equivalent to J.B.T. by the Education Department, they are not entitled to be considered for promotion as Hindi Teacher.

4. The petitioners can only be considered for promotion in terms of the statutory rules in force on fulfilling the qualifications prescribed thereunder, which are not under challenge. Therefore, for want of requisite qualification, their case cannot be considered.

5. In view thereof, there is no merit in the petition, and is accordingly dismissed.

(Tribhuvan Dahiya)
Judge

August 04, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No