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

CWP-10221-2016 (O&M)

Date of Decision: 12.07.2023

Sewak Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Kapil Kakkar, Advocate
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The officer is present in the Court in terms of the directions issued by this Court vide order dated 25.05.2023. He has explained that he has taken an interpretation of the Circular to be that the cut off date for qualifications would also be the date on which the case of the petitioner is to be sent for having regularized. In terms thereto, the case of the petitioner was considered and rejected.
2. Learned counsel for the petitioner on the other hand submits that there are two different cut off dates mentioned in the Circular issued by the respondent-Director Education Department on 11.02.2014. One is the date for examining the eligibility of the employee whether he was in the regular cadre, and the other is the date when the case is sent for promotion for examining the educational qualification. On the date when the case of the petitioner was to be sent, he possessed the

requisite qualifications and the respondents have erroneously interpreted the Circular dated 11.02.2014.

3. I have considered the submissions.
4. Petitioner before this Court has come up for seeking consideration for promotion on the post of Hindi Master as he is at seniority no.264 while persons figured at no.487, 496, 413 and 274 in the list, have been granted promotion. The petitioner was appointed as an ETT teacher on 07.12.2001 and he joined on 18.12.2001.
5. The next channel from ETT teacher is to the post of Master in terms of Punjab State Education Class III (School Cadre) Service Rules 1978. 15% of the quota is reserved for trained graduate out of total 25% total post meant for promotion quota. The petitioner was placed in the seniority list of regular cadre of JBT/ETT teachers as is figured at No.264 while respondents No.4 to 7 are placed at No.487, 496, 413 and 274 respectively.
6. Vide order dated 30.12.2015 (P-3), the respondents No.4 to 7 were promoted while the petitioner was denied promotion whereafter he has preferred this Writ Petition.
7. He states that he has passed B.Ed examination on 23.08.2007 and when the case of the petitioner was to be considered i.e. in 2015, he possessed the requisite educational qualification.
8. In terms of the circular, those employees of JBT/ETT cadre who are regular up to the cut off date (for Hindi, it is 31.12.2006), would be entitled for consideration and their names were to be sent by the concerned District Education Officer after satisfying himself that the concerned employees possess the qualifications for promotion to Master cadre up to the date of sending the case.

9. In 2015, when the cases of the petitioner and respondents No.4 to 7 were sent, the petitioner possessed the said educational qualification but his name was not sent under the impression that the educational qualification is also required to be examined as on the cut off date mentioned for examining the concerned employees being regular in the cadre or not.
10. The situation is otherwise as pointed out hereinabove and therefore the denial of consideration for promotion to the petitioner is found to be wrongful and unjustified.
11. Accordingly, this Writ Petition is allowed.
12. Respondents No.1 to 3 are now directed to consider the case of the petitioner on the post of Hindi Master in terms of Punjab State Education Class III (School Cadre) Service Rules 1978, and if otherwise found suitable, promote petitioner from the date his juniors i.e. respondents No.4 to 7 have been promoted with all consequential benefits. The petitioner's salary shall be accordingly revised from the same date as his juniors have been promoted. Arrears thereto, shall be paid to him within a period of 3 months.
13. No costs.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 12, 2023

Mohit

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No