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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13241-2014 (O&M)
Date of Decision: 02.09.2023

Kultarnjit Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. R.S. Manhas, Advocate
 for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The Writ Petition has been preferred by the petitioner seeking promotion on the post of Principal w.e.f. 15.02.2010 instead of the promotion granted to him from 22.07.2013 stating that persons who were junior to the petitioner in the seniority list of 2011 were already promoted in 2010.
2. As has come on record now, in a bunch of writ petitions in *CWP-5059-2011 and connected cases*, decided on 27.05.2015 wherein challenge was made to the seniority list dated 07.03.2011, directions were given to examine the said seniority list in light of the judgment passed by Supreme Court in *Ajit Singh Januja vs. State of Punjab, AIR 1996 SC 1189*, and the 85th Amendment to the Constitution of India, and also to consider the observations made in the case of *M.Nagaraj & Others vs. Union Of India & Others, (2006) 8 SCC 212*.
3. All the writ petitions were disposed of as an affidavit was filed by the State Government mentioning that all the stakeholders shall be given an

opportunity to submit their objections in favour or against the seniority list dated 07.03.2011.

4. It is also informed by learned counsel for the State that after the said exercise, a fresh seniority list of the lecturers working in Government schools was published on 20.11.2015. Certain persons who were affected by the drawing of new seniority list dated 20.11.2015 have preferred writ petitions before this Court and in all the said bunch of writ petitions with the leading case of CWP-412-2016 titled as *Balbir Kaur and others vs. State of Punjab and others*, a decision was rendered by the Coordinate Bench on 27.02.2023 as under:

- “1. Heard the learned counsels representing the parties at length.*
- 2. The dispute is with regard to the correctness of the order dated 20.11.2015 by which the seniority list for the cadre of Lecturers working in Government Schools was finalized. As per the applicable service rules, to fill up the posts of Lecturers, there is a 75% quota for promotion from the cadre of Masters, whereas remaining 25% posts are filled up from the direct recruitment. The seniority list of the cadre of Masters issued on 19.06.2019 has already been quashed.*
- 3. Keeping in view the aforesaid facts, the learned counsels representing the petitioners as well as the private respondents submit that they have no objection if the writ petition is disposed of while directing the respondents to finalise the seniority list of the cadre of Lecturers within 3 months from the date of finalization of the seniority of the Masters cadre. They also pray that till then the department should not carry out reversion on the basis of seniority list dated 20.11.2015.*
- 4. The learned State Counsel submits that the moment seniority list of the cadre of Masters is finalized, the process to finalize the seniority list of lecturers which is dependent upon the cadre of Masters shall be taken instantaneously and the efforts shall be made expeditiously to finalize the said list.*
- 5. Keeping in view the aforesaid facts, the writ petitions are disposed of with a direction to the respondents to finalise the*

seniority list of the lecturers within a period of 3 months from the date of finalizing the seniority of the Masters Cadre.

6. Till then, the State may continue with the promotions, however, the same shall be subject to the result of the fresh seniority list which is in the process of consideration. The fresh seniority list shall be prepared and finalized after granting an opportunity to all the employees concerned to file objections. Till then, no reversion pursuant to the seniority list dated 20.11.2015 shall be made by the concerned authority.

7. All the pending miscellaneous applications, if any, are also disposed of.”

5. In view of above, the present Writ Petition filed by the petitioner has been rendered otiose as the Court would not be able to examine the facts as in 2014, after the observations made in the aforesaid two judgments.
6. Petitioner would be however free to take up his objections relating to the fresh final seniority list which has to be published in terms of the directions issued by the Coordinate Bench in its judgment (supra) dated 27.02.2023.
7. If he is still aggrieved, he would always be free to take up the matter before this Court or an appropriate forum as the case may be.
8. With the said observations, the Writ Petition stands *disposed of*.
9. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 02, 2023

Mohit goyal

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

Yes/No
Yes/No