

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

CWP-20732-2012 (O&M)

Date of decision: 09.08.2023

Lekh Raj

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Tarundeep Kumar, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner assails the action of the respondents in not granting promotion to him on the Class-III post solely on the ground that he did not clear the typing test in Punjabi.

2. Learned counsel for the petitioner submits that for the purpose of promotion in terms of amendment made in the Rule 15 of the Punjab Civil Services General and Common Conditions of Service) Rules, 1994 which provided for passing the typing test in Punjabi within one year of selection. Learned counsel submits that the same Rule would apply for promotion too.

3. This Court finds that the 1994 Rules did not meet the provisions relating to the promotion to the post of Clerk from Class-IV employee and the provision for promotion has been provided only by way

of circular which also provides that a candidate must pass the exam for the purpose of promotion. Since the petitioner with open eyes participated in the selection process and also participated in the exam and failed, he cannot turn around and say that the examination should be conducted after promotion, more so, as other persons who were similarly situated have already participated and cleared the exam and have been promoted. The claim of the petitioner for promotion vis-a-vis those persons, is therefore not made out.

4. However, the observations made in the present writ petition would not deprive the petitioner from participating again in the promotion process if so conducted by the respondents. The Rules of 1994 which provides for passing the typing test within one year is meant only for direct recruitment and not for promotion and would have no application to the case of the petitioner.

5. The writ petition is devoid of merit and is dismissed accordingly.

6. Pending CM(s), if any, shall stand(s) disposed of accordingly.

09.08.2023

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(SANJEEV PRAKASH SHARMA)
JUDGE

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