

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

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**CWP-26379-2018 (O&M)
Date of decision: 15.02.2023**

Shiv Charan

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.S. Chauhan, Advocate for the petitioner.

Mr. Rohit Arya, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to promote the petitioner to the post of Head Teacher purely on the basis of his merit from the date when his juniors have been promoted, considering his education qualifications as per Haryana Primary School Education (Group-C) District Care Service Rules, 2012 (Annexure P-3).

The short reply filed on behalf of respondent Nos.1 to 3 is already on record.

Learned counsel for the petitioner while referring to Annexure P-3, submitted that the essential qualification for promotion to the post of Elementary School Head Teacher was Senior Secondary (or its equivalent) with at least 50% marks and 2 years Diploma in Elementary Education. At the time of appointment, the petitioner was matric and this was the essential

qualification in the year 1987. Subsequently, he passed the examination of Prabhakar (Honours in Hindi) from Maharishi Dayanand University with 50% marks, as per certificate dated 29.06.1995 (Annexure P-2). The petitioner could do this diploma only after matric. Hence, the diploma in Prabhakar is to be considered equivalent to senior secondary examination. Learned counsel further contends that case of the petitioner for promotion could not be rejected on the ground that he has not done senior secondary with at least, 50% marks. In support of his contention, learned counsel refers to a judgment passed by a Division Bench of this Court in Vishnu Kumar Sharma and another vs. State of Haryana and others, 2002 (4) SCT 116, wherein it has been held that degree in Prabhakar has to be considered equivalent to the degree of B.A. (Honours) in Hindi. Since in this case, senior secondary is the requisite minimum qualification for promotion as Head Teacher, name of the petitioner should have been considered for promotion to the said post.

Learned State counsel submits that on receipt of application dated 21.09.2018 (Annexure P-8) from the petitioner regarding non-consideration of his case for promotion to the post of Head Teacher, the District Elementary Education Officer (DEEO), Hisar, sent a letter dated 04.06.2019 to the higher authority for clarification whether Prabhakar (Honours in Hind) is to be treated equivalent to the Senior Secondary and on verbal directions of the higher authority, a letter was sent to Board of School Education Haryana (HSEB), Bhiwani, being competent authority, for the purpose. In reference to the same, letter dated 02.08.2022, was received mentioning therein that *Prabhakar examination conducted by the MDU, Rohtak is not recognised as equivalent to any of the examination conducted*

by HSEB, Bhiwani, and is not included in the equivalence list. The equivalence list is available on the board website WWW.hseb.org.in. Thus, the petitioner cannot be promoted as per the Recruitment and Promotion Rule, 2012, notified on dated 11.04.2012.

I have heard the learned counsel for the parties, and have also gone through the case file carefully.

The application dated 21.09.2018 (Annexure P-8) of the petitioner regarding non-consideration of his case for promotion to the post of Head Teacher, was duly considered by the District Elementary Education Officer (DEEO), Hisar, and in view of the letter dated 02.08.2022 received from the Board of School Education Haryana (HSEB), Bhiwani, a conclusion was drawn that the petitioner cannot be promoted as per the Recruitment and Promotion Rule, 2012, notified on dated 11.04.2012 and his claim was declined vide letter dated 12.08.2022.

In view of the above, the present petition is dismissed.

Since the order dated 12.08.2022 was passed after filing of the present petition, the petitioner is at liberty to challenge the same, if so advised.

(HARNARESH SINGH GILL)
JUDGE

15.02.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No