

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CWP-18822-2023
Date of Decision: 13.12.2023

Syed Mohd. Inam and others

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Mohammad Arshad, Advocate for the petitioner

Mr. Sanjeev Kaushik, Addl. AG, Haryana

TRIBHUVAN DAHIYA, J.

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 25.04.2023, Annexure P-15, passed by the second respondent whereby petitioners' claim for being considered in seniority list of Trained Graduate Teachers (TGTs) of Mewat Cadre has been rejected. Further, a writ of *mandamus* has been sought directing the second respondent to finalise the seniority list of TGTs, and thereafter lecturers (School Cadre) for the petitioners' promotion.

2. Learned counsel for the petitioners has contended that the petitioners were not given option as per Rule 3 of Mewat District School Education (Group-C) Service Rules, 2012, to opt for the Mewat cadre. They were placed in the Rest of Haryana cadre, and have been promoted as PGTs from TGTs in the year 2016-17.

3. As per facts apparent on record, similarly placed employees challenged the tentative list of PGTs (Mewat Cadre) by filing CWP No.11285 of 2017 titled *Ramesh Kumar and others v. State of Haryana and others* before this Court. The petition was disposed of directing the respondents to consider petitioners' objections/suggestions with reference to tentative seniority list and finalise the same at the earliest. In compliance of the directions, the Department gave opportunity to the employees, including petitioners, on 07.11.2017, 14.11.2017 and 20.11.2017 to opt for the Mewat cadre. Again on 12.12.2017 and 20.12.2017, another opportunity was given to employees of Mewat and Gurugram Districts to opt for either of the two cadres, and to raise objections, if any, regarding the tentative seniority list. Thereafter, the seniority list was finalised on 01.01.2018 on the basis of options received from PGTs through concerned District Education Officers. Since, the petitioners did not opt for the Mewat cadre despite all these opportunities, they were not included in the seniority list of PGTs for that cadre.

4. These facts have been recorded in the impugned order dated 25.04.2023. It is further recorded that, the Department again gave option via online mode, on 05.04.2022 to 21.04.2022, to the all PGTs to opt for either Mewat or Rest of Haryana cadre. As per the report, dated 02.09.2022, of the District Education Officer, Nuh, the petitioners again chose not to opt for the Mewat cadre.

5. It is clear from the facts mentioned above, which have not been disputed on the basis of any document or material on record, that despite multiple opportunities to opt, the petitioners did not give their choice for the

Haryana cadre being the state cadre in year 2016 and 2017. Therefore, at this stage, they cannot claim seniority in Mewat cadre. There is nothing wrong in the impugned order rejecting the claim.

6. Consequently, there is no ground to entertain the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

13.12.2023
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>