

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

**CWP-30688-2019 (O&M)
Date of decision : 19.01.2023**

Jasmeet Kaur

..... Petitioner

versus

**Punjabi University Patiala through its Registrar, Punjabi University,
Patiala**

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Mukesh Arora, Advocate
for the petitioner.

Mr. Abhishek Kaushik, Advocate for
Mr. Vipul Jindal, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

The short issue involved in the present writ petition is whether the petitioner who is claiming promotion to the post of Clerk is required to undergo the conditions as specified for the employee having worked for 05 years despite the fact that she has now completed 08 years. Vide syndicate meeting dated 25.06.2015, a decision was taken wherein it was resolved as under:-

“xx xx xx

12. It was resolved that the decision taken under paras 12.1 to 12.65 have been approved by the Vice Chancellor.

12.46 The personnel department of Punjab Govt. vide their letter No 1/3/2014 P.P.1/1093 dated 23.12.2014 took the decision which was examined by the Committee appointed by Vice Chancellor Sahab. On 18.03.2015 keeping in view the recommendations of the meeting, the following qualification for promotion are approved:

The necessary qualification for promotion of C-Category employees after completion of 5 years regular service		The necessary qualification for promotion of C-Category employees after completion of 8 years regular service	
1.	Matric Pass	1.	Matric Pass
2.	Minimum 5 years regular service		Minimum 8 years regular service
3.	For promotion against the post of Clerk, Group-C employees are required to pass Punjabi and English language typing test with the speed of 30 words per minute.		Computer test in 3000 depressions per hour are required to pass.
4.	Group-C employees after completion 5 years regular service can be considered for Group-B (Clerk) Posts. If they clear the test within one year after their promotion conducted by computer center on the personal computer and having experience of atleast 120 hours and have completed the course. After completion of the course, certificate is required to be produced from University Computer Center which will be shown before the appointment.		The employee must have attended 3 months computer training course conducted by the Punjabi University. The condition of computer test as per syndicate decision dated 20.06.2011 will not be attracted.
5.	For completion of the computer course a concerned employee may be given conditional appointment that he will complete the course. In due course which will not create any hindrance during working hours and for this purpose the leave for the test day will be given.		

The Committee has also decided that in case a candidate in 5 years regular service category and in 8 years regular service category fulfil conditions under both the categories and the candidates are selected on one day then originally senior candidate will be treated as senior and will give the seniority accordingly.

No.4501-02/Syndicate

Dated 21.07.2015”

2. As per the facts of the present case which are not disputed, the petitioner after having served for 05 years applied for promotion to the post of Clerk but could not pass the prescribed test. After petitioner completed 08 years, University still insisted that the petitioner must undertake the test prescribed on completion of 05 years and refused to entertain his prayer to take examination prescribed on completion of 08 years. The petitioner approached this Court claiming that in view of the syndicate order since there is a different test prescribed after completion of 08 years regular service, the University cannot insist upon the petitioner to undergo the test prescribed on completion of 05 years. Vide order dated 04.02.2020 passed by this Court, petitioner was allowed to appear in the type test slated for 05.02.2020 for the employees who had completed 08 years' regular service in the University. Result of the petitioner was ordered not to be declared without the leave of this Court.

3. Admittedly, the petitioner has undergone the said test but the result could not be declared owing to order dated 04.02.2020.

4. In the considered opinion of this Court, once the petitioner has completed 08 years of service, insistence at the hands of University for her to undergo Punjabi and English language typing test with the speed of 30 words per minute which is the test prescribed for employees claiming promotion after 05 years cannot be sustained. Petitioner admittedly having completed 08 years of regular service is now required to undergo the test prescribed for such employee who has put minimum 08 years of service. Resultantly, the result of the petitioner vis-à-vis test dated 05.02.2020 be declared. The right of the petitioner to the promotion will abide the result. In case the petitioner is found to have cleared the test, the case of the petitioner shall be considered from the date her juniors in the said test have been promoted and appointed. Monetary benefits will be paid alongwith interest @ 6 % per annum.

- 5. Disposed off accordingly.
- 6. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

19.01.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No