

2023:PHHC:133650
CWP-23387-2023 (O&M)
Date of Decision: 13.10.2023

Shiwani and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Paramjit Singh Jammu, Advocate for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners by way of this writ petition submit that they were appointed under '*Sarv Shiksha Abhiyan*' scheme on the post of Shiksha Provider and were posted in the upper primary schools as Masters/Teachers. All of them are post-graduate and are having qualification to teach in middle, high and senior secondary govt. school and have more than 10/15 years of teaching experience.

2. The State Government vide policy dated 07.10.2022, introduced a scheme to regularize the contractual/ad hoc employees like the petitioners and sought their option to join in the special cadre and accordingly, the petitioners submitted their request and option and in terms of policy, they have been appointed on the post of Associate Teacher and have been placed in the salary of Rs.23,500/- per month, to continue upto to the age of 58 years. The petitioners have been working since then in various schools as indicated above. However, now by order dated 06.10.2023 (Annexure P/3), the Associate Teachers have been directed to be relieved enabling them to

join in the primary schools. One of the orders passed with respect of petitioner No.1 dated 06.10.2023, has been placed on record.

3. Learned counsel submits that the petitioners cannot be asked to perform duties with the elementary establishment and their IHRMs Code cannot be changed as the same would amount to demoting the petitioners.

4. I have considered the submissions.

5. This Court finds that the petitioners were working on ad hoc basis in the government middle and senior secondary schools. The State Government's policy provides a special cadre of the post of Associate Teachers and as per the policy, the Associate Teachers have been directed to be posted in the primary schools. The petitioners have accepted the regularization terms under the policy dated 07.10.2022. After they have accepted the said policy, posting of the petitioners as a special cadre and generating a special IHRMs code for them under the policy as directed vide order dated 06.10.2023, cannot be said to be in any manner unjustified. The petitioners cannot be allowed to approbate and reprobate at the same time once they have allowed themselves to be accepted as a separate special cadre, which would be a dying cadre as per the policy. They cannot claim themselves to be treated equivalent to the regular teachers working on the regular establishment in the senior secondary schools or middle schools. The educational qualifications owned by them will have no relevance as the cadre of Associate Teachers is one and is not with relation to the educational qualification but the only aspect about their nature of appointment initially on ad hoc/temporary basis.

6. In view thereof, the writ petition fails and is accordingly dismissed.

7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

13.10.2023
rajesh

- 1. Whether speaking/reasoned? : Yes/No
- 2. Whether reportable? : Yes/No