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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-27353-2023

Date of Decision: 06.12.2023

Ravi Kumar and others

. . . . Petitioner

Vs.

State of Punjab and another

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Sunny Singla, Advocate,
for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Heard learned counsel for the petitioners.
2. Learned counsel submits that there is an error on the part of the respondents in treating 9 backlog posts for Scheduled Caste while making promotions, and therefore additional promotions have been granted to SC category which should have fallen in favour of the reserved category.
3. Learned counsel submits that the District Education Officer's report, based on the letters sent by the Committee dated 11.11.2021 formed by the Department of Social Justice, Empowerment and Minorities mentioning that there are 9 backlog posts, is factually incorrect. In fact, there were 9 persons from SC category who had been promoted earlier and had retired, and therefore the quota was filled at that relevant time.
4. I have considered the submissions.
5. Admittedly, the review exercise has been conducted in the year 2023 while the actual promotions were made in 2022 granting promotions from 16.01.2021. As on 16.01.2021, when promotions have been made,

this Court finds that there were 9 posts of SC which had fallen vacant on account of retirement. The said posts would therefore have to be treated as backlog posts. The current posts would be those which fall vacant from 2021 onwards.

6. From the table as placed on record by the petitioners of the roster register for the cadre of Central Head Teacher for District Patiala, this Court finds that from 21 onwards, the persons who have been granted promotion is on the basis of regular roster which continued after 56. While prior to 56, there were 11 SC candidates who have been promoted but out of those 11 candidates, persons falling at roster No.1, 6, 11, 16, 21, 26, 31, 36 and 41 stood retired. The letter sent by the Department of Social Justice dated 02.11.2021 mentioning about 9 backlog posts, therefore cannot be said to be erroneous.
7. The report of the District Education Officer dated 16.08.2023 formed by the authorities is therefore found to be in order, and no interference is therefore warranted.
8. Writ Petition is *dismissed* accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

December 06, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |