

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

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**CWP No.2216 of 2024
Date of Decision : 1.2.2024**

*Subhash Chander and others**..... Petitioners**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Mohammad Arshad, Advocate, for the petitioners

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 8.1.2024, Annexure P-16, whereby the petitioners have been reverted from the post of Trained Graduate Teacher (TGT)-Social Studies to Junior Basic Training (JBT) teachers.

2. Learned counsel for the petitioners contends that the reversion is contrary to law as it is in violation of Rule 11 of the Mewat District School Education (Group-C) Service Rules, 2012 (for short 'the Rules'). He also contends that the impugned order has been passed without finalizing the seniority list, therefore, it is not sustainable.

3. Learned State counsel, appearing on advance notice, contends that the selection of Primary teachers (PRTs) pursuant to advertisement no.2 of 2012 was under litigation. The petitioners were appointed and provisionally promoted during pendency of litigation, which was finally settled by the Supreme Court vide order, dated 13.9.2022, passed in Civil Appeal No.7136 of 2022 titled *Vikas Kumar and others v. State of Haryana and others*. The respondents were, *inter alia*, directed to appoint

the selected, waitlisted and other candidates, and frame revised seniority list as per merit positions of the candidates in their respective lists as decided by the Court. In compliance thereto, the candidates were appointed in the order of merit as per the directions, and tentative seniority list was framed which was uploaded on the Department's portal on 19.1.2023, inviting objections. Thereafter, the petitioners approached this Court by filing CWP No.26481 of 2023, impugning a show cause notice whereby they were sought to be reverted to the post of PRTs. The petition was disposed of vide order dated 24.11.2023, directing the respondents to take decision after providing seniority list to the petitioners and taking into account their response to the show cause notice. Pursuant thereto, a copy of the final seniority list was furnished to the petitioners and their response was taken into account, before passing of the impugned order dated 8.1.2024.

4. In view of the submissions made by learned counsel for the parties, it is apparent that the impugned order has been passed after framing of seniority list in compliance of directions issued by the Supreme Court vide order dated 13.9.2022. This fact has been mentioned in the order itself, which has been passed after following due procedure. Therefore, there is no ground to entertain the petition.

5. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

1.2.2024

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No