



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CWP-3591-2019

Date of decision : 02.12.2024

Rajesh Kumar

....Petitioner

V/S

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. There was no representation on behalf of the petitioner on 14.11.2022 and even on 03.05.2023. Today also the position is the same.
2. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ of certiorari, quashing the order dated 04.02.2019 (Annexure P-9), passed by respondent No.1, whereby the petitioner has been ordered to be revert from the post of Sub Divisional Officer to Junior Engineer.
3. Notice in the present case was issued on 08.02.2019 by passing the following order :-

“Counsel for the petitionr contends that on the date the petitioner was promoted from the post of Junior Engineer to the post of SDO on 22.12.2017, he was fully eligible for promotion as per the Service Rules dated 26.6.1970 (Annexure P-4) and notification dated 30.11.2017 (Annexure P-8). However, while reverting him vide order dated 4.2.2019 (Annexure P-9), it has been observed that the AICTE, in its meeting held on 3.8.2017, has decided to recognise all techncial courses conducted by various professional bodies which are duly recognised



by MHRD upto 31.5.2013 and thereafter the recommendation is withdrawn. Counsel for the petitioner contends that on the date when DPC was held on 25.8.2017, the petitioner was duly eligible and was rightly promoted. The second decision taken by AICTE cannot be made applicable in the case of the petitioner for reversion and while reverting, the petitioner vide the impugned order dated 4.2.2019 (Annexure P-9), it has further been observed that he is a Diploma holder and has a right to be considered as per terms when his turn comes and the petitioner's case is that vide order dated 27.12.2018 (Annexure P-5) persons junior to him in Diploma category have also been promoted.

Notice of motion for 22.5.2019.

Operation of the impugned order dated 4.2.2019 (Annexure P- 9) is stayed till the next date of hearing.”

4. Written statement on behalf of the respondents has been filed wherein it has been stated that since now the petitioner has been promoted to the post of Sub Divisional Officer under Diploma Holder Category vide order dated 03.05.2019 (Annexure R-3), therefore, the instant petition has been rendered infructuous.

5. Disposed of as having become infructuous.

02.12.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No