



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CWP-13226-2000(O&M)

Date of Decision: 29.08.2024

SAROJ DEVI

...Petitioner(s)

Versus

THE DIRECTOR, SECONDARY EDUCATION, HARYANA AND
ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Ishnoor Singh, Advocate with
Mr. Vikram Singh, Advocate for the petitioner.

Mr. Krishan K. Chahal, Additional A. G., Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 04.09.2000, Annexure P-9, whereby petitioner's prayer for antedated promotion as Lecturer in Hindi has been declined.

2. Learned counsel for the petitioner contends that the petitioner joined as S. S. Mistress in the respondent-Department on 25.12.1985, and was regularised in service with effect from 01.01.1991. However, later vide office order dated 16.08.1999, Annexure P-3, pursuant to the Government instructions dated 28.04.1997, the date of regularisation was changed to 30.09.1988. Prior thereto she had been promoted as Lecturer in Hindi, vide office order dated 08.01.1992. On the basis of changed date of regularisation, she raised the claim seeking promotion as Lecturer with effect from 21.12.1988, which was rejected vide the impugned order on the ground that no person junior to the petitioner had been promoted.

2.1 Learned counsel further contends that during 1985-86, three posts of Backward Class (Female) category were vacant as per the roster



register, which is apparent from Annexure P-7. However, the respondent-Department promoted only one of the Mistress, and two posts are remained vacant against which the petitioner had a right to be considered.

3. Learned State counsel, by referring to the written statement, contends that the petitioner was given promotion vide office order dated 08.01.1992, but she did not join till 02.06.1992. She made a request for adjustment in District Karnal by changing the place of her posting, and joined there when the request was accepted. However, she is not entitled for antedated promotion, as no junior person in Backward Class category was promoted as Lecturer before her.

3. It is apparent on record that the petitioner was promoted as Lecturer vide office order dated 08.01.1992, and she joined as such on 02.06.1992. Merely because the date of regularisation was advanced to 30.09.1988 from 01.01.1991, that would not entitle her to claim antedated promotion as well. Even if posts of the Backward Class category remained vacant, the same could not be a ground to claim the promotion, especially when no junior person in the category was promoted as Lecturer prior to the date of her promotion.

4. In view thereof, there is no merit in the petitioner’s claim and the petition stands dismissed.

5. Pending miscellaneous application(s), if any, shall also stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

29.08.2024
Ad

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No