

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

108

CWP No.6063 of 2024 (O & M)

Date of Decision : 25.4.2024

*Rajender Singh**..... Petitioner**versus**State of Haryana and others**..... Respondents***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Surinder Singh Siao, Advocate, for the petitioners

Mr. Sanjeev Kaushik, Addl. AG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the memos dated 11 and 12.1.2024, Annexures P-13 and P-14 respectively, whereby cases of Post Graduate Teacher (PGT)-Lecturers/private respondents no.3 to 151, belonging to scheduled caste (SC) category have been invited for promotion to the post of Principal. Further, a writ of *mandamus* has been sought directing the official respondents to fix the petitioner's seniority in the school cadre of PGTs/Lecturers from the date of his initial appointment, i.e., 30.11.2002, in earlier Government Department and to consider him for promotion on the post of Principal on that basis.

2. Learned counsel for the petitioner has contended that the petitioner, who belongs to SC category, was initially appointed in the Industrial Training and Vocational Education Department (for short 'ITV Department') as an Accountancy and Auditing Instructor (Theory and

Practical) on 30.11.2002, and joined as such on 3.12.2002. Later, he alongwith other Instructors was transferred to the Education Department on 23.4.2009. After being relieved from the ITV Department, he joined the Education Department on Group-B post of Accountancy and Auditing Lecturer at Government Girls Senior Secondary School, Kaithal. It is claimed that the petitioner has not been included in the seniority list of PGTs/Lecturers, dated 8.7.2019, though he is working in the Department as lecturer since 24.4.2009. The impugned memos dated 11 and 12.1.2024, inviting names of PGTs belonging to SC category as per the seniority list dated 8.7.2019 for promotion to the post of Principal, are illegal since the petitioner has been excluded therefrom.

3. Learned State counsel, appearing on advance notice, contends that the petitioner was transferred to the School Education Department vide office order dated 24.2.2009/2.3.2009, on the terms and conditions stipulated therein. Condition no.5 was to the effect that the staff being transferred from ITV Department to School Education Department would continue to remain in separate cadres, distinct from the cadres of School Education Department, even in case of similar subject/duties. Thus, the petitioner is not entitled to seniority as PGT and was, accordingly, not found entitled to be promoted as Principal. In fact, his claim was rejected by passing a speaking order dated 5.10.2023, which was challenged by him by filing CWP N.28968 of 2023 titled *Rajinder Singh v. State of Haryana and others*, fixed for hearing on 21.10.2024.

4. Heard.

5. Undisputed facts on record are, the petitioner was transferred from ITV Department, where he was working as Auditing Instructor, to

the School Education Department as Lecturer of Accountancy and Auditing. As submitted by the learned State counsel, terms and conditions of the transfer stipulated that the petitioner will form a separate and distinct cadre in the Department, accordingly, he cannot claim to be a part of the cadre of PGTs. This was the reason he was not included in the seniority list of PGTs in the Department dated 8.7.2019. Neither the conditions of transfer nor the seniority list has been challenged by the petitioner; even otherwise, he is not entitled to do so at this stage after a long delay. Besides, his claim for promotion as Principal already stands rejected by the Department by a speaking order dated 5.10.2023, which has been separately challenged by him by filing CWP No.28968 of 2023. Thus, filing of the instant petition claiming the promotion as Principal, which has already been claimed in the earlier petition, is an abuse of the process of law. In these circumstances, there is no ground to entertain the petition.

6. Dismissed.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

25.4.2024

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No