

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CWP-7146-2024
Date of Decision: 08.04.2024

Jagdeep Kaur ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. H.S. Saini, Advocate for the petitioner
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to relieve her to join promotional course of lower school.
2. Learned counsel for the petitioner *inter alia* contends that petitioner has cleared BPT Exam for the year 2021 and she was supposed to attend Lower School course but could not due to her pregnancy. As per Standing Order No.1/22 dated 09.05.2022 (Annexure P-5) issued by Director General of Police, Punjab, the women official deputed for any promotional course who is pregnant shall be eligible to be deputed in the next batch and her seat in the promotional course shall be reserved. The promotion course has commenced w.e.f. 16.03.2024 and she has not been relieved on account of status quo order passed by Division Bench of this Court in *CWP No.6737 of*

2022. The petitioner cleared BPT exam in 2021 and its validity period, as per standing order, is two years. The said period is going to expire and if she is not deputed for promotional course, she would be prejudiced without her fault.

3. Reply by way of short affidavit dated 06.04.2024 of Swarandeep Singh, P.P.S., Assistant Inspector General of Police, Intelligence Headquarters, Punjab filed on behalf of respondent Nos.1 to 3 is taken on record. Registry is directed to tag the same at an appropriate place.

4. Mr. Aman Dhir, Deputy Advocate General, Punjab submits that no officer belonging to Intelligence Cadre has been deputed for promotional course and the petitioner, a single candidate, cannot be deputed for the said course. The State is bound to honour interim order dated 28.07.2022 passed by Division Bench of this Court in *CWP No.6737 of 2022*. As soon as a batch of officers belonging to Intelligence Cadre is sent for promotional course, the petitioner would form part of said batch. The bottleneck of two years created by standing order would not come in her way.

5. A Division Bench of this Court in *CWP No.6737 of 2022* has passed interim order dated 28.07.2022. The relevant extracts thereof read as:

“A perusal of the said order would go to show that this court was conscious that a course was already been going on at that point of time and the order of status quo as such was granted to ensure that persons who were undergoing the said course at that point of time would not be permitted to be promoted on the basis of having successfully completed the said course. In such circumstances, we are of the considered opinion that the said order is liable to be clarified to the extent

that status quo order is regarding the issue of inclusion in the promotion list and for further promotions. However, it is open to the State as such to send the other batch of 70 officials to the course, which has already commenced, as irreparable loss would be caused if the said seats are not utilised. Needless to say that the persons who complete the course and the ones who have completed on an earlier occasion will not be promoted till further orders.”

6. The respondent-State in its affidavit dated 06.04.2024, has conceded that on account of interim orders passed by Division Bench, the petitioner cannot be deputed for promotional course. The State has also filed CM No.2847 of 2023 before Division Bench seeking modification of orders dated 01.06.2022 and 28.07.2022. The relevant extracts of affidavit dated 06.04.2024 is reproduced as below:-

“9. That the name of the petitioner has not been included in the above mentioned application, since above CM has been filed only for seeking permission to demand seats in general for conducting Basic Proficiency Test/deputing 70% constables to the lower school course as per seniority of the year-2023. The petitioner has already qualified the Basic Proficiency Test conducted in the year 2021. Apart from this, the petitioner being a single candidate left out due to her medical reasons, no application has been filed by the respondent department seeking permission for different officials specifically including the petitioner to impart them promotional course teaching.

10. That it would not be feasible to depute the petitioner for lower school course as a single candidate till the Status Quo order dated 01-06-2022 is vacated or modified by the Hon'ble Court, since, otherwise it would amount to

violate the above said status quo order, attracting contempt of the Hon'ble Court.

11. That as and when the status quo order dated 01-06-2022 is vacated or modified by the Hon'ble Court, the claim of the petitioner will be considered accordingly. ”

7. In the wake of statement made by learned State counsel coupled with averments made in affidavit dated 06.04.2024, the present petition stands disposed of with an observation that limit of two years created by standing order would not come in the way of petitioner and she would be deputed for promotional course as soon as other officers of Intelligence Cadre are deputed for promotional course. The question of her seniority would be taken care of as per standing order and law in force.

(JAGMOHAN BANSAL)
JUDGE

08.04.2024
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>