

Mr. Harish Goyal, Advocate
for the petitioner in CWP No.30967 of 2019

Mr. TPS Chawla, Sr. DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Present bunch of four writ petitions involve common question of law in the background of common set of facts and thus they are being decided by a common order.

Learned counsel for the petitioner submits that the petitioners were reverted by the impugned order (Annexure P-9) on the ground that the qualification on the basis of which they were promoted, could not have been taken into account and the same were obtained from “*Sahitya Sudhakar*” from Mumbai Hindi Vidya Peeth, which institution is not a recognised by the University Grant Commission so as to treat the qualification possessed by the petitioner equivalent to a Graduation degree.

Learned counsel for the petitioner submits that while issuing notice of motion, the reversion of the petitioner was stayed which is continuing.

Learned counsel for the petitioner(s) further submits that the question of law raised in the present petition has already been decided by the Co-ordinate Bench of this Court while passing order in CWP No.7626 of 2015 titled “*Gurmail Kaur and ors. Vs. State of Haryana and anr.*”, decided on 27.05.2015 and the benefit was granted to the similarly situated employees and the LPA No.171 of 2021 titled “*State of Haryana and anr. Vs. Gurmail Kaur and ors.*”, has been dismissed and therefore, the present petition is liable to be disposed of in terms of *Gurmail Kaur’s case (supra)*.

Learned State counsel submits that the judgment in *Gurmail Kaur's case (supra)* is pending before the Hon'ble Supreme Court of India in SLP No.017134 of 2021 and therefore, once the judgement in *Gurmail Kaur's case (supra)*, is pending consideration before the Hon'ble Supreme Court of India, the present petition may not be disposed of in the same terms.

Learned counsel for the petitioner(s) submits that there is no interim order and the benefit being sought in the present case, have already been extended to *Gurmail Kaur's case (supra)*.

Learned counsel for the petitioner(s) further submits that the petitioner(s) undertakes that in case, the judgment in *Gurmail Kaur's case (supra)*, is modified by the Hon'ble Supreme Court of India, the same be also made applicable upon the petitioner(s) without filing any appeal.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

It is not disputed that the question of law raised in the present petition is covered by the decision of the Co-ordinate Bench in *Gurmail Kaur's case (supra)*, against which the Letters Patent Appeal has already been dismissed though, the matter is pending consideration in SLP No.017134 of 2021, before the Hon'ble Supreme Court of the India.

The interest of the State can be saved, in case the present petition is disposed of in terms of *Gurmail Kaur's case (supra)*, keeping in view the undertaking given by the learned counsel for the petitioner(s) that in case the judgment in *Gurmail Kaur's case (supra)*, is modified by the Hon'ble Supreme Court of India in any manner or the set aside, the same be made applicable upon the petitioner(s) ipso facto.

Hence, the present bunch of four of petitions are disposed of in terms of *Gurmail Kaur's case (supra)*, with the clear observation that in case the said judgment is modified or set aside by the Hon'ble Supreme Court of India, the said order of the Hon'ble Supreme Court of India will also be implemented qua the petitioner(s) as well.

Pending application, if any, also stands disposed of.

Photocopy of this order be placed on the files of other connected cases.

10-09-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO