



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

(Sr. No. 106)

LPA No.1569 of 2024

Date of decision: 15.07.2024

Ramesh Kumar Khinchi and others

..... Appellants

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Inder Pal Goyat, Advocate for the appellants.

* * *

DEEPAK SIBAL, J. (Oral)

(1) The present intra court appeal is directed against the judgment dated 09.05.2024 passed by a learned Single Judge of this Court dismissing the appellants' writ petition filed by them through which they had sought promotion from the clerical to the teaching cadre.

(2) A few essential facts may be noticed.

(3) The appellants joined as Clerks in the Haryana Education Department between 07.01.1974 and 03.03.2000. Thereafter, they improved their academic qualifications by acquiring degrees in M.A. and/or B.Ed. and on such basis sought to be adjusted/promoted as Teachers/Masters. They pinned their claim on instructions dated 07.11.1958 issued by the Deputy Director (Schools) of the Joint Punjab as also instructions dated 08.07.1965, which had also been issued before carving out of the State of Haryana from



the erstwhile joint Punjab. Reliance was also placed on a judgment of this Court dated 28.06.2010 rendered in ***RSA No.1526 of 2004 – State of Haryana and others Vs. Bharat Singh and another***. When the State refused to grant the appellants the desired relief, they petitioned this Court.

(4) Through the impugned judgment a learned Single Judge of this Court dismissed the appellants' petition on several counts. As per the learned Single Judge, instructions dated 07.11.1958 did not apply to the appellants' case as they had been issued only for promoting unadjusted B.A., B.T./B.Ed. teachers and not Clerks. The reliance of the appellants on instructions dated 08.07.1965 was also negated for the reason that these instructions only provided for a temporary or stopgap adjustment and not regular promotion of ministerial staff who possessed the prescribed qualifications of Teachers. ***Bharat Singh's*** case (supra) was distinguished by the learned Single Judge as according to him such judgment was only *in personam* and had been rendered in the case of Clerks who had been appointed prior to the promulgation of the Haryana State School Education (Lecturers School Cadre) (Group C) Service Rules, 1998 (for short – 1998 Rules) which Rules did not provide any promotional channel for Clerks to the teaching cadre. The other reason given by the learned Single Judge to dismiss the appellants' petition was the promulgation of 1998 Rules which provided that for promotion as Masters/Lecturers teaching experience was required, which the appellants did not possess.

(5) After having heard learned counsel for the appellants and scrutinizing the impugned judgment, we concur with the afore reasoning given by the learned Single Judge to dismiss the appellants' petition



especially when both the instructions on which the appellants relied stand undisputedly withdrawn on 16.11.2011 which withdrawal was never challenged by the appellants and because the 1998 Rules specifically prescribe for teaching experience for promotion as Lecturers/Masters which Rules have also not been challenged by the appellants as also for the reason that the judgment in ***Bharat Singh's*** case (supra) was based on the afore referred instructions dated 08.07.1965 which instructions only provided for temporary/stopgap adjustment of the ministerial cadre, who possessed the requisite qualifications, to teach students till the availability of regular teachers.

(6) In the light of the above discussion, we find no merit in the instant appeal especially when it is not disputed that the appellants, as Clerks, have and have availed of their own channel of promotion in the ministerial cadre.

(7) Dismissed.

(DEEPAK SIBAL)
JUDGE

15.07.2024
sunil yadav

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No