



**CM-12987-CWP-2023 in/and
CWP-19507-2020**

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

(106+249)

**CM-12987-CWP-2023 in/and
CWP-19507-2020
Date of Decision : December 09, 2024**

Nigahi Ram and others

.. Petitioners

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jai Bhagwan, Advocate, for the applicant-petitioners.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

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As prayed for, the application is allowed.

Annexure P-9 is taken on record.

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1. In the present writ petition, the grievance being raised by the petitioners is that the petitioners should be granted the benefit of promotion without passing the type test required for promotion to the post of Clerk from a Group D post.

2. Learned counsel for the petitioners submits that the petitioners have been asked to pass the type test of Punjabi language as well as in

English language whereas, the petitioners could only pass the one hence,



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the petitioners should be granted promotion without insisting them for passing both the type test i.e. in Punjabi as well as English language before granting promotion to the petitioners hence, appropriate directions be issued to the respondents for allowing the petitioners the benefit of promotion without passing the type test.

3. After notice of motion, the respondents have filed the reply wherein, the respondents have stated that as per the Rules governing the service including the Circular issued by the Government of Punjab dated 23.12.2014 (Annexure R-1), unless and until, a Group D employee fulfills the requirement of passing of type test in English as well as in Punjabi with the required speed, benefit of promotion cannot be granted and in the present case, the petitioners have failed to pass the type test hence, the prayer of promoting the petitioners from Group D post to the post of Clerk, may kindly be declined.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that promotion can only be claimed by an employee in case, he/she is eligible under the Rules governing the service. In the present case, a Group D employee is required to pass the type test in English as well as in Punjabi language in order to be eligible for promotion to the post of Clerk keeping in view the seniority of the employee concerned and the employee who does not pass the type tests, cannot claim promotion as the typing is integral part of working in the cadre of Clerk and unless and until, an employee knows typing, he/she will not be useful to discharge the duties in the said cadre.



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6. With regard to the claim of the petitioners, it is a conceded position that the petitioners have not passed the type test in English as well as in Punjabi language. That being so, the petitioners are not eligible for promotion to the post of Clerk keeping in view the rules governing the service.

7. Learned counsel for the petitioners concedes that as of now, the petitioners are not eligible for promotion but in case, the petitioners are promoted to the post of Clerk, they will pass the type test in due course while performing the duties of the Clerk.

8. As per the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.4134 of 2006 titled as Jagdish Kaur vs. State of Punjab and another, decided on 26.08.2011***, condition of passing of the type test for promotion from a class IV post to a class III post cannot be waived off hence, the claim of the petitioners is contrary to the settled principle of law settled by the Hon'ble Supreme Court of India in ***Jagdish Kaur's case (supra)*** hence, the same cannot be granted to the petitioners.

9. Keeping in view the above, the present writ petition is dismissed.

10. Civil miscellaneous application pending if any, also stands disposed of.

December 09, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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