



CWP-22241-2024

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

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CWP-22241-2024

Date of Decision :05.09.2024

Kapil Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kapil Kakkar, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

The grievance of the petitioner is that vide order dated 30.08.2024 (Annexure P3) he has been transferred from the post of Deputy District Education Officer to Principal.

Learned counsel for the petitioner submits that though the cadre of Principal and Deputy District Education Officer is same but keeping in view the instructions, which have been issued by the respondent-department dated 12.02.2024 (Annexure P/5) by which, the Deputy District Education Officer is entitled for review of ACR written by the Principal the hierarchy of the post of Deputy District Education Officer has been enhanced as compared to the post of Principal and therefore, posting on the post of Deputy District Education Officer can only be done on the basis of the seniority and no junior can be posted as Deputy District Education Officer and in the present case, respondent No.3 is junior to the petitioner in the cadre of Principal/Deputy District Education Officer and hence, anomalous

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situation will arise as respondent No.3 will be reviewing the recording of the ACR by the petitioner, which is not permissible.

Learned counsel for the petitioner further submits that the petitioner intends to approach the respondents by way of filing a representation and the respondents may kindly be directed to decide the same in a time bound manner by passing appropriate speaking order.

Notice of motion.

Mr. Charanpreet Singh, AAG, Punjab accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that in case, any representation is filed by the petitioner raising the said grievance, the same will be decided in accordance with law and appropriate order will be passed within a period of 04 weeks from the date of receipt of any such representation and in case, it is found feasible, the relief will be extended to petitioner otherwise, due reasons for not accepting the claim of the petitioner will be mentioned in the order so passed, which will be conveyed to the petitioner as well for information and necessary action.

Learned counsel for the petitioner submits that keeping in view the statement made by learned counsel for the respondents, present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

September 05, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No