



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

122

CWP-25431-2024

Date of Decision: 03.10.2024

SHIV PARKASH

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Rohit Mittal, Advocate for the petitioner.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to promote the petitioner to the post of Elementary School Headmaster with effect from 01.12.2016, from the date his juniors were promoted.

2. It is apparent on record, the petitioner's claim was considered by the Department, leading to passing of the impugned order dated 23.04.2024, Annexure P-5, to the following effect:

In compliance of above said orders of the Hon'ble High Court, the department issued Show Cause Notices vide order No.17/4-2022 ESHM (1) Dated 03.03.2023/09.03.2023 to 135 Elementary School Headmasters promoted from Sanskrit Teachers including the juniors of the claimant, who are not falling in the seniority list dated 15.01.2019 as per sanctioned posts. Some of ESHMs promoted from post of Sanskrit Teacher challenged the said Show Cause Notice alongwith the amendment which was issued recently vide official notification dated 15.03.2022 in Service Rules, 2012 w.r.t. promotion to the post of ESHM in CWP No.5886 of 2023 namely Sartaj Singh Dhanda and others Vs. State of Haryana and others. Thereafter,



an another Civil Writ Petition No.6366 of 2023 titled as Rattan Singh and others Vs. State of Haryana and others has been filed and the Hon’ble Court was pleased to stay the operation and implementation of the corrigendum issued vide order No.15/12-2019 HRM-III/ESHM (1) dated 01.07.2022 and also stay of all further action pursuant to the Show Cause Notice for reversion.

Keeping in view the position explained above, the claim of claimant will be considered at the time when the promotion will be made on the post of Elementary School Head Master after the vacation of stay or final decision of the Hon’ble Court in aforementioned writ petitions with respect to Show Cause Notices dated 09.03.2023 to concerned ESHM’s. Hence, at present the claim of the claimant is hereby kept pending till the vacation of stay by the Hon’ble High Court in aforesaid mentioned writ petitions.

3. Accordingly, the petitioner has not been considered for promotion as Elementary School Headmaster only on account of the pending litigations. The Department itself has undertaken that he will be so considered after final decision of the matters pending before this Court.
4. In view thereof, there is no ground to entertain the petition at this stage.
5. Disposed of as such.

(TRIBHUVAN DAHIYA)
JUDGE

03.10.2024
Ad

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