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CWP-11256-2022

Date of Decision: 07.05.2025

PARDEEP KUMAR AND OTHERS

..... PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Dhruv Walia, Advocate for
Mr. R. S. Dadwal, Advocate
for the petitioners.

Mr. Rohit Arya, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the letter dated 07.04.2022, Annexure P-15, whereby the respondents returned the petitioners' cases for promotion to the post of Senior Librarian on the ground that amendment in the qualifications as prescribed under the Rules is being carried out, and their cases would be considered later after the amendment.

2. As per facts apparent on record, in brief, three petitioners were initially appointed as Library Attendants in the respondent-Higher Education Department; later, petitioners no. 1 and 2 were promoted as Junior Librarian on 01.09.2020, and the third petitioner was promoted as such on 09.09.2019. As per the Haryana Educational College Cadre (Group-C) Service Rules, 1986 (for short, '1986 Rules'), the criteria for promotion from the post of

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Junior Librarian to that of Senior Librarian has been prescribed; the relevant Rule 9 (1) (b) thereof is as under:

9(1) Recruitment to any post in the service shall be made-

- (a) xxxx xxxx xxxx
- (b) In the case of Senior Librarian,-
 - (i) 50% by direct recruitment; and
 - (ii) 50% by promotion from amongst Junior Librarians; or by transfer of any official already in service of Government of India or any State Government,

Further as per Appendix-A of the said rules following qualifications and experience have been provided for the post of Senior Librarian:

2. Senior Librarian

- (i) Graduate second division with second division in Master of Library Science
OR
M.A./ M.Sc./ M.Com. with second division Diploma in Library Science
- (ii) 5 years experience of managing a good library
- (iii) Knowledge of Hindi upto Matric Standard

2.1 The Department sought cases of Junior Librarians for promotion to the post of Senior Librarian vide memo dated 15.12.2021, Annexure P-10. In response thereto, the concerned Colleges where the petitioners were working sent their cases along with original record of ACRs/service book, etc. for the purpose. Instead of considering the petitioners for the promotion, the Department vide impugned memo dated 07.04.2022, returned their cases on the plea that amendments in the qualifications were being carried out and the cases would be considered after the amendments. The petitioners represented to the Department that they cannot be made to wait endlessly for being promoted as Senior Librarian on the plea that the qualifications are to be amended, as similarly placed

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employees have already been given promotions. But no action was taken. Aggrieved against the same, they filed the instant petition.

2.2 The respondents in their short reply have taken an objection that the petitioners' non-consideration for promotion was on account of the fact that they were not fulfilling the requisite qualifications in terms of the 1986 Rules; all of them lacked the requisite five years' experience of managing a library. In the absence of possessing the essential requirement, their cases could not be considered.

3. In view of the undisputed facts, it is apparent on record that the petitioners were promoted as Junior Librarian in the Department on 09.09.2019/01.09.2020. They would, therefore, be fulfilling the requisite 'five years experience of managing a good library' only in September 2025. Since there is no dispute regarding their fulfilling other requisite conditions for promotion, the respondents are directed to consider the petitioners' cases for promotion as Senior Librarian as per Rules within three months of their attaining eligibility by completing the requisite five years experience.

4. Accordingly, the petition stands disposed of.

(TRIBHUVAN DAHIYA)
JUDGE

07.05.2025
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>