



-1-

CWP-4435-2018

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

227

CWP-4435-2018 (O & M)
Date of decision: 20.02.2025

Sukhpal

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Harinder Sharma, Advocate,
for the petitioner.

Ms. Shruti, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 29.09.2016, Annexure P-4, whereby the petitioner, who was working as ETT Teacher, was debarred for two years for promotion to the post of Head Teacher, in terms of Rule 18.2 of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

2. The screening committee in its meeting held on 29.09.2016 when was considering the cases of promotion including that of the petitioner on perusal of his affidavit dated 05.09.2016, Annexure P-2, given at the time of demand of cases of promotion wherein he had in no uncertain terms stated that he did not want to get promoted as Head Teacher, which reads thus:

AFFIDAVIT

I, Sukhpal wife of Sh. Vijay Kumar, resident of Tappa, Tehsil Tappa, District Barnala do hereby solemnly affirm and declare as under:-



CWP-4435-2018

- 1 .That I am serving as E.T.T. Teacher on regular basis in G.P.S. Tappa Mandi.
2. That my date of appointment is 14-10-1998.
3. That my date of birth is 28-04-1975 and date of my retirement is 30-04-2033.
4. That I do not want to get promotion from E.T.T. to Head Teacher in the Primary Cadre.
5. That I have passed M.A., B.Ed. therefore I want to get promotion in master cadre.
6. That I will not file any court case on account of not getting promotion as Head Teacher.
7. That I will abide by all instruction and conditions of the Department.

Deponent
Sd/-
(Sukhpal)

Certified that my above statement is true and correct.
Nothing has been concealed therein.

Dated- 05-09-2016

3. From the above, the determined mind of the petitioner is clearly discernible to seek promotion to the Master Cadre and not the primary.

4. The averment made in para 8 of the petition that the petitioner had appeared before the screening committee and requested for consideration has not only been specifically denied in the corresponding para in the reply filed on behalf of respondent Nos. 1 to 4 dated 19.03.2019 by way of affidavit of District Education Officer, which has not been rebutted by way of replication or during the course of hearing.

The affidavit dated 20.02.2018, Annexure P-3 filed in the present case, makes it further a disputed question of fact which cannot be gone into in



CWP-4435-2018

the present proceedings, especially, when there is a conspicuous absence of any representation shown to have been submitted at the relevant time for the said purpose or to withdraw the previous affidavit.

5. The present petition sans merit is hereby dismissed.

20.02.2025

parveen kumar

**(AMAN CHAUDHARY)
JUDGE**

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