

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

244

Decided on: November 11, 2025

(1) CWP-23572-2021

KARAN SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

(2) CWP-20764-2025

SUNIL KUMAR AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

(3) CWP-2484-2025

SATISH KUMAR AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

(4) CWP-3399-2022

BALI RAM TANWAR

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ravi Verma, Advocate
for the petitioner(s) (in CWP-23572-2021 and CWP-3399-2022).

Mr. Mahesh Saxena, Advocate
for the petitioner(s) (in CWP-20764-2025 and CWP-2484-2025).

Mr. Rohit Arya, Additional Advocate General, Haryana.

**TRIBHUVAN DAHIYA, J. (ORAL)**

These petitions are being decided together as common issue arises for consideration on similar facts. For brevity, the facts are being noticed from CWP-23572-2021, which has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 02.09.2021, Annexure P-6, whereby the petitioner's claim for promotion to the post of Head Master, High School with effect from 21.07.2020 has been rejected by the Department. Further, a writ of *mandamus* has been sought directing the respondents to grant promotion to the petitioner with effect from 21.07.2020, the date his juniors were promoted as Head Master, High School.

2. The facts of the case, in brief, are that the petitioner was appointed as Mathematics Master in the respondent-Department on *ad hoc* basis with effect from 13.03.1987, and his service was subsequently regularised as such with effect from 01.01.1991. Since he possessed post graduate qualification in the subject, he was promoted to the post of Lecturer in Economics vide office order dated 04.12.2008, Annexure P-1. While working as Lecturer in the Department, he was confirmed as Mathematics Master vide order dated 16.06.2011, Annexure P-2; his confirmation on the post of Lecturer, now known as Post Graduate Teacher (PGT), never came. Since his juniors placed at seniority positions 8445, 8450 and 8451, namely, Ranbir Singh, Maman Singh and Ranbir Singh, respectively, had been promoted as Head Master, High School vide order dated 21.07.2020, the petitioner having seniority position 8442, submitted representation to his



Department seeking promotion from the same date. It was rejected vide impugned order dated 02.09.2021. The petitioners in the connected writ petitions, who are working as Lecturers in different subjects in the Department, have also been denied promotion as Head Masters, High School with effect from the date their juniors have been promoted.

3. In this factual background, learned counsel for the petitioner has contended that the post of Head Master, High School is in a higher pay scale as compared to that of Lecturer/PGT in the Department. The petitioners were promoted as Lecturers/PGTs only because they had higher qualification at the relevant time, and were never given an option for promotion as Head Masters, High School, which the respondents were bound to give before promoting their juniors. It has also been submitted that the respondents themselves have been giving promotions to Lecturers, similarly placed as the petitioners, to the post of Head Masters, High School. This is apparent from the office orders dated 06.10.2017, 18.12.2017 and 14.05.2018, Annexures P-8, P-9 and P-10 respectively. Besides, entitlement to promotion has been claimed as per law settled by this Court vide judgment, dated 27.03.2012, rendered in CWP-14905-2009 titled *Surinder Kumar and others v. State of Haryana and others*, along with connected matters. The Letters Patent Appeal filed against it by the respondents has been dismissed by the Division Bench as also the Special Leave Petition (SLP) by the Supreme Court. The judgment, accordingly, has attained finality.



4. *Per contra*, learned State counsel contends that the judgment will have no application to the petitioners' case as it is based upon the old rules, which have now been replaced by the Haryana State Education School Cadre (Group-B) Service Rules, 2012 (for short, 'the 2012 Rules'). Under these Rules, there is no provision for promotion as Head Master of High School from the post of Master/TGT. Rule 9 only provides that in case of Head Master, High School, hundred per cent promotion shall be from amongst Elementary School Masters/TGTs, and not from Lecturers. Therefore, the petitioners could not be promoted at the time of giving promotion to the juniors, as they were working in a different cadre of Lecturers.

5. Submissions made by the learned counsel for the parties have been considered.

6. As apparent on record, the petitioner was appointed as Mathematics Master, now known as Trained Graduate Teacher (TGT), on 13.03.1987, and confirmed as such on 16.06.2011. Prior thereto, he was promoted as Lecturer/PGT on 04.12.2008. It remains undisputed that he has never been confirmed on this promoted post. It is also not in dispute that some of his juniors in the Master cadre were promoted to the higher post of Head Master, High School on 21.07.2020. The objection to the petitioner's promotion as such on account of his being from the cadre of Lecturers, is not sustainable. The old rules, i.e., the Haryana State Education (School and



Inspection Cadre) (Group B) Service Rules, 1998 (for short, 'the 1998 Rules'), as well as the new 2012 Rules provide for promotion to the post of Head Master, High School, from that of Master/TGT. Reference can be made to Rule 9 of the old rules as well new rules, which read as under:

1998 Rules

9. (1) Recruitment to the service shall be made :
 - (a) to (c) xxx xxx xxx
 - (d) in case of Headmaster of High School/Junior Specialist/Programmer Assistant:
 - (I) 60% by promotion from amongst the Headmasters of Middle School/Master, as per roster given in Appendix E; and
 - (II) to (IV) xxx xxx xxx

2012 Rules

9. (i) Recruitment in the Service shall be made :
 - (a) xxx xxx xxx
 - (b) in the case of Head Master of High School
 - (i) 100% by promotion from amongst Elementary School Head Masters/TGTs.

It is a fact that in the 2012 Rules, nomenclature of the post of Master was changed to TGT, and that of Head Master, Middle School to Elementary School Head Master (ESHM). Also, Head Master, High School is a higher post carrying higher scale of pay as compared to that of Lecturer. The petitioners, though promoted as Lecturers, have not been confirmed as such; they still hold a lien on the substantive post of Master/TGT. And in terms of the Rules, old as well as new, have a right to be considered for promotion to



the higher post of Head Master, High School, which has been denied. They were ignored even at the time their juniors were so considered, which is illegal. The petitioners being in the cadre of Lecturers will not make any difference because they have never been offered consideration for the post of Head Master, nor have they ever refused promotion to the post.

7. Under similar circumstances, this Court has already held in *Surinder Kumar* case *ibid.*, that the Department cannot deny promotion to Masters, working as Lecturers, to the post of Head Master, High School, without giving an option to seek promotion to the higher post. The relevant paragraph of the judgment reads as under:

In the facts and circumstances of the case in hand, what is apparent is that prior to the date of confirmation of the petitioners as Lecturers, their cases for promotion to the post of Head Masters have been duly called for and have been submitted before the competent authority which was, as a matter of fact, considering them. It would also not be out of way to mention here that as per Rule 9 of the Group-B Rules, promotion to the post of Head Master, High School, is to be made from the Head Masters of Middle School/Masters as per the roster given in Appendix-E, meaning thereby that the right of consideration for promotion to the petitioners became available to them when a decision was taken for filling up the posts of Head Masters of High School. The right, so accrued to them, cannot be taken away without giving them an option to choose as to whether they wanted to continue to hold the post of Lecturer or wanted promotion to the post of Head Master, High School. The denial of this right to the petitioners is not in



accordance with law and thus, by proceeding to confirm the petitioners as Lecturers without giving them an option would be violative of Rule 3.15 of the Punjab Civil Services Rules, Volume-1, Part-1. ...

10. It is also a fact that the respondents themselves have promoted similarly placed Lecturers to the post of Head Master, High School vide orders dated 06.10.2017, 18.12.2017 and 14.05.2018. These promotions have been with effect from 10.02.2014, when the old rules were in force. The Department, therefore, cannot be permitted to take a different stand in the petitioners' case and refuse them promotion for the reason they are working as Lecturers.

11. In view of the discussion, these petitions are allowed, and the respondents are directed to consider and promote the petitioners as Head Masters, High School, from the date their juniors have been promoted. They shall be entitled to all consequential benefits. The arrears of salary on the promoted post shall, however, be restricted to thirty-eight months prior to filing of the respective petitions, wherever applicable.

12. A photocopy of this order be placed on the files of the connected cases.

November 11, 2025

Jaspreet Kaur

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether speaking/reasoned : *Yes*

Whether reportable : *Yes/No*