



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

208

LPA-260-2018

and Cross Objection-2-LPA-2018

Date of Decision : September 17, 2025

STATE OF HARYANA AND OTHERS

.....Appellants

VERSUS

SUNITA KUMARI

.....Respondent/Cross objector

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Puneet Gupta, Addl. AG, Haryana.
Mr. Surinder Gandhi, Advocate
for the respondent/Cross objector.

ASHWANI KUMAR MISHRA, J. (Oral)

1. The State of Haryana has preferred the instant Letters Patent Appeal questioning the judgment and order passed by the learned Single Judge dated 24.10.2017 in CWP-12928-2015. The learned Single Judge has issued a direction for considering the claim of the writ petitioner for promotion to the post of Senior Scale Stenographer.

2. Undisputedly, the writ petitioner was appointed as Steno Typist in the Haryana State Minor Irrigation & Tubewells Corporation Limited. This Corporation was wind up in the year 2002. The State of Haryana took a policy decision to absorb the retrenched employee in other wings of the Government. Accordingly, the writ petitioner was adjusted in the Prosecution Department of the State as Steno Typist on 26.10.2006. Having continued in employment for more than a decade as Steno Typist, a claim for promotion to the post of Senior Scale Stenographer was raised. The claim of the writ petitioner was not considered on the ground that the essential qualification of Matric in Ist Class was not possessed by her. The learned Single Judge, however, has

issued a direction to consider the writ petitioner for promotion in view of the fact that she has rendered nearly 34 years of service to the Corporation and the State of Haryana without availing a single promotion and, therefore, it would be inequitable if she is denied such claim.

3. Learned counsel appearing for the State of Haryana submits that the direction to consider the petitioner for promotion by the learned Single Judge is contrary to the statutory rules, which prescribed the qualification for the post as such the direction of the learned Single Judge be interfered with in this appeal.

4. Learned counsel appearing for the petitioner/respondent/cross objector, on the other hand, contends that the judgment of the learned Single Judge is based on equitable consideration, which requires no interference.

5. The working of the respondent-petitioner as Steno Typist for more than three decades is undisputed. It is also not disputed that during this long period of working, the respondent-petitioner was never promoted. The claim for promotion by the appellant-State is resisted only on the ground that the qualification of Matric in Ist Class is not possessed by the petitioner.

6. Though the argument of the State appears attractive, at the first blush, we are not inclined to accept it for the reasons enumerated hereinafter.

7. The service conditions of the respondent is governed by the provisions of the Haryana State Prosecution 'C' (Clerical HQ) Services Rules, 1980. Appendix B contains the qualification for appointment to the post. For appointment to the post of Steno Typist, the qualification is Matric Ist Division. The respondent-petitioner had passed Matric in third division. She was, therefore, not possessed of the qualification for appointment to the post

of Steno Typist. However, while absorbing the respondent-petitioner in the employment of State, a decision was taken by the competent authority to absorb her on said post. In the process the State appears to have relaxed the rules, which prescribed the qualification of candidate possessing Matrix in Ist Division. Once the State has relaxed the rules by waiving the condition of passing Matric in Ist Division, we find no error in the direction issued by the learned Single Judge to consider her for promotion where also the education qualification is the same. The Director, Prosecution has otherwise recommended the case of the respondent-petitioner for grant of relaxation in the academic qualification for her promotion to the post of Senior Scale Stenographer vide communication dated 21.03.2017. In such circumstances, we are not persuaded to interfere with the direction issued by the learned Single Judge to accord consideration to the claim of the respondent-petitioner for promotion, when it remains undisputed that she has rendered nearly 34 years of satisfactory service and she has not been granted a single promotion in her entire career. However, the direction issued by the learned Single Judge to amend the rules to facilitate consideration of petitioner's claim for promotion cannot be sustained and the judgment of the learned Single Judge is modified to this effect.

8. The instant Letters Patent Appeal and cross-objections are accordingly disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

September 17, 2025

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(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No