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

**COCP-4181-2024 (O&M)
Date of decision: 11.09.2025**

PARVEEN KUMAR AND OTHERS

..Petitioners

Versus

KAMAL KISHOR YADAV AND ANOTHER

..Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. R.K. Arora, Advocate
Mr. Jogam Arora, Advocate
Mr. Prabhat Kashyap, Advocate
Mr. J.S. Bhogal, Advocate
for the petitioners.

Mr. Animesh Sharma, Addl. A.G, Punjab.

SUDEEPTI SHARMA, J. (Oral)

1. The contempt petition has been filed for deliberate and intentional disobedience of order dated 21.02.2024 passed in CWP-10421-2022.
2. Learned counsel appearing on behalf of State contends that first compliance affidavit dated 12.11.2024 was filed by Mr. Paramjeet Singh, Director of School Education (Secondary), in which it is stated that speaking order dated 11.07.2024 was passed and all the petitioners were duly conveyed vide registered posts.



3. The relevant para 3 of affidavit dated 12.11.2024 is reproduced as under:-

“3. That in due compliance with the abovesaid directive of this Hon'ble Court, it is respectfully submitted that department has already passed a well reasoned speaking order dated 10.07.2024 & petitioners were duly conveyed these orders vide registered posts. Copy of order dated 10.07.2024 is annexed herewith as annexure R-1 for kind consideration of the Hon'ble Court. It is further apposite to mention that even after passing of these orders, petitioners served a legal notice for initiation of contempt proceeding for willful & deliberate disobedience of order dated 21.02.2024 passed in CWP No. 10421 of 2022 which was duly replied by the answering respondents vide Memo No. E333986 S.E(1)/2024263971 dated 09.10.2024 copy of same is annexed herewith as Annexure R-2.”

4. The Coordinate Bench of this Court on 26.11.2024 directed the respondents to revisit the speaking order dated 10.07.2024.

5. Thereafter, order dated 12.02.2024 was passed by the Director of School Education (S.E.) Punjab S.A.S. Nagar, which was taken on record. Thereafter, the matter was adjourned to 18.02.2025. On 18.02.2025 again the matter was adjourned to 19.03.2025.

6. On 19.03.2025, reply filed by the petitioner to counter affidavit was taken on record and the matter was again adjourned to 07.04.2025.

7. Thereafter, on 07.04.2025 the following order was passed and the matter was adjourned to 13.05.2025:-

“Reply by way of affidavit of Sh. Sanjeev Sharma, PCS, Director of Public Instructions (S.E.) as respondent No.2 has been filed in Court, the same is taken on record.



Learned State counsel on instructions from Mr. Shashi Gagg, Asstt. Registrar (Legal) O/o DSE, Punjab submits that out of 07 petitioners, 04 have been found eligible and necessary formalities with respect to their appointment and joining shall be made within a period of four weeks from today.

With respect to consideration upon the claims of petitioners Nos.1 and 2, adjourned to 13.05.2025.”

8. The relevant para 3 and 4 of affidavit filed by Mr. Sanjeev Sharma, PCS, Director of Public Instructions (S.E.), respondent No.2, are reproduced as under:-

“That the present COCP has arisen out of order dated 21.02.2024 passed by this Hon'ble court in CWP No. 10421 of 2022, the operative part of which reads as under:-

"In view of the peculiarity of facts and circumstances of the case, the present petition is disposed of with a direction to the respondents to have a relook at the matter by taking into consideration the qualification possessed by each of the petitioners at the time of their initial appointment to assess their sustainability in terms of the policy, within a period of four months and if found entitled, grant them absorption in service forthwith. However, the claim of the petitioners regarding minimum of the pay-scale is left open."

4. That in due compliance with the above said directive of this Hon'ble Court, the cases of the petitioners who were of teaching category were forwarded to recruitment directorate of the department in order to ascertain their suitability in terms of their qualification at the time of their initial appointment and as per report of the

recruitment directorate petitioner no 3, Neetu Rani and petitioner no.4, Shingara Singh were found suitable. Similarly, in the case of Non Teaching petitioners their suitability was ascertained from Ministerial Establishment branch of the Department which deals with Non Teaching staff and as per Ministerial Establishment branch, petitioner no 5, Harkiran and petitioner no. 7, Murti Kaur are found suitable.

Table A (Teaching)

Sr. No.	Name	Father's Name	Verification for the Post	Candidate's Academic qualification	Required academic qualification according to instructions of the department	Qualification of the candidate at the time of initial appointment	Status
1	Parveen Kumar	Tej Ram	SS Master	B.Com.+ Additional History and Punjabi Literature, B.Ed. (Teaching of Punjabi and Economics + additional SST)	B.A. with subject combinations as approved by Govt. from time to time with B.T. or B.Ed.	Date of initial appointment as Maths Master is 07.10.1999 and as S.St. Master is 19.04.2006. Graduation is completed on 11-07-1998 and given additional History exam on 04-09-2000. B.Ed is completed on 20-08-2004.	Not eligible because the candidate doesn't possess required qualification as per rules at the time of initial appointment.
2	Ajaypal Singh	Mal Singh	Maths Master	B.Sc.(Maths, Physics, Computer Application), B.Ed.(Teaching of Math and Science)	Graduate with Mathematics as one of the elective subject in graduation or B.A. with Physics & Mathematics. A course with B.T. or B.Ed. Or Senior basic trained.	Date of initial appointment as Science master is 20.09.2004 and as Science/Maths Master is 30.07.2006. But B.Ed. completed on 21.08.2006	Not eligible because the candidate doesn't possess required qualification as per rules at the time of initial appointment.
3	Neetu Rani	Ravinder Kumar	Hindi Mistress	B.A. with Hindi as elective subject in all s three years, B.Ed. With teaching of SST and Hindi.	Graduate with Hindi as a subject, B.Ed. With Teaching of Hindi in B.Ed.	Date of initial appointment as Mistress is 20.07.2009. And academic qualification (B.A., B.Ed.) completed on 25.01.2008	Eligible
4	Shigara Singh	Gurcharn Singh	P.T.I.	10+2 and C.P.E.d	S.T.C with training in physical education or with a certification in physical education from Y.M.C.A Madras, if considered suitable by DPI. Preference in the former case being given to candidate with two year training in STC course.	Date of initial appointment as P.T.I. is 01.08.2012. And academic qualification (C.P.Ed.) completed on 13.06.2011	Eligible
5	Kulwant Kaur	Gurcharn Singh	Punjabi Mistress	Giani with Hindi additional subject, Punjabi Bhasha Shikshan Diploma	Graduate with Punjabi as a subject, B.Ed. With Teaching of Punjabi in B.Ed.	Date of initial appointment as Mistress is 02.05.2008. Candidate hasn't done B.A. and B.Ed.	Not eligible because the candidate doesn't possess required qualification as per rules at the time of initial appointment



Table B (Non-Teaching)

Sr. No.	Name	Father's Name	Verification for the Post	Candidate's Academic qualification	Required academic qualification according to instructions of the department	Qualification of the candidate at the time of initial appointment	Status
1	Harkiran	Nangu Pal	Gardener	8 th	8 th	Date of initial appointment Gardener 12.03.2001. And qualification (8 th)	Eligible
2	Murti Kaur	Leela Singh	Sweeper	2 nd class	Illiterate	Date of initial appointment Sweeper 01.04.2009. And qualification (2 nd)	Eligible

Accordingly, the claim of such suitable/eligible petitioners described in table A & B is accepted in principle by the respondent department.Necessary approval will be sought from Department of Finance in this regard. The claim is accepted qua the present petitioners only and this will not be treated as precedent in future, however if any decision is taken by the department to assail the order dated 21.02.2024 passed in CWP No 10421 of 2022, the final outcome of such appeal would be binding to the petitioners.”

9. On 13.05.2025, the following order was passed by Coordinate Bench of this Court:-

“Learned counsel for the respondents has filed reply by way of affidavit dated 12.05.2025 of Sh. Gurinder Singh Sodhi, PCS, Director of School Education (SE), Punjab, SAS Nagar, which is taken on record. Copy thereof has been supplied to the opposite side.

Registry to do the needful.

Learned counsel for the respondents, on instructions from Sh. Shashi Gagg, Assistant Registrar (Legal), Office of DSE (SE), Punjab, who is present in Court, submits that absorption orders has been passed in favour of petitioner Nos. 3, 4, 6 & 7 and with respect to the rejection of claim of petitioner Nos. 1, 2 & 5, the aforesaid affidavit / reply has been filed. Further, learned



counsel, on instructions, informs that consequential benefits regarding re-fixation of pay etc. qua petitioner Nos. 3, 4 6 & 7 shall be made with within four weeks from today; thus, prayer is for adjournment.

Adjourned to 30.07.2025.”

10. On 30.07.2025 again the matter was adjourned to today i.e. 11.09.2025 by granting time to the petitioner to go through the affidavit of Mr. Gurinder Singh Sodhi, PCS, Director of Public Instructions (S.E.)/respondent No.2.

11. On 30.07.2025, the following order was passed by Coordinate Bench of this Court:-

“Reply by way of affidavit of Sh. Gurinder Singh Sodhi, PCS, Director of Public Instructions (S.E.)/respondent No.2 has been filed in Court, the same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner, who prays for some time to go through the same.

List on 11.09.2025.

To be shown in the urgent cause list, henceforth.”

12. The relevant paras of affidavit of Mr. Gurinder Singh Sodhi, PCS, Director of Public Instructions (S.E.)/respondent No.2 dated 12.05.2025 are reproduced as under:-

“4. That in due compliance of the above said directive of this Hon'ble Court, the deponent filed affidavit on 07.04.2025, the last date of hearing in present contempt petition, whereby it was submitted petitioner no 3, Neetu Rani; petitioner no 4, Shingara Singh; petitioner no 5, Harkaran and petitioner no. 7, Murti Kaur are found suitable for absorption in terms of their qualification at the time of their initial appointment and rest of the



petitioners do not fulfill the necessary eligibility on the date of initial appointment.

5. That the Hon'ble Court adjourned the present contempt petition for 13-05-2025 with respect to consideration upon the claims of petitioner no. 1 and petitioner no.2.

6. That in this regard, it is respectfully submitted that the claims of Petitioner No. 1 and Petitioner No. 2 have been duly reconsidered. Petitioner No. 1, namely Parveen Kumar, was initially appointed as a Math Master on 07.10.1999. He completed his B.Ed. on 20.08.2004 and was subsequently appointed as an SS Master on 19.04.2006. Petitioner No. 2, namely Ajaypal Singh, was initially appointed as a Science Master on 20.09.2004. He completed his B.Ed. on 21.08.2006 and was thereafter appointed as a Math Master on 30.07.2006. The suitability of the petitioners was assessed by taking into consideration the qualification possessed by each petitioner at the time of initial appointment. However, it was found that Petitioners No. 1 and 2 did not possess the requisite qualifications at the time of their initial appointments.

7. That it is further submitted that at time of last hearing in present contempt petition, petitioner no. 1 prayed for considering his claim taking into consideration his second appointment dated 19.04.2006 as initial date of appointment. It is submitted that appointment dated 19.04.2006 was the second appointment of petitioner no. 1 in the school which was issued to him on acquiring the requisite qualification. The Hon'ble High Court vide its judgment dated 21.02.2024 in Civil Writ Petition directed the respondents reconsider the matter by taking into consideration the qualification possessed by each of the petitioners at the time of their initial appointment. It is submitted that the since the appointment dated



19.04.2006 was second appointment of petitioner no. 1 in the school so it cannot be considered as initial appointment as initial appointment is the first time a person is hired or appointed to a position which was on 07.10.1999 in case of petitioner no.1 and he did not possess the requisite qualifications at the time of his initial appointment. Therefore, Petitioners No. 1 and 2 are found to be ineligible for absorption, as they failed to meet the eligibility criteria at the time of their initial appointment.”

13. A perusal of all the affidavits filed by respondent shows that order dated 21.02.2024 passed in CWP-10421-2022 was complied with in the first affidavit itself, wherein, speaking order dated 11.07.2024 was passed, which was placed on record along with affidavit dated 12.11.2024 as Annexure R-1.

14. Thereafter, on the directions passed by Coordinate Bench of this Court, other affidavits were filed.

15. As per the latest affidavit dated 12.05.2025 filed by Mr. Gurinder Singh Sodhi, PCS, Director of Public Instructions (S.E.)/respondent No.2, order dated 21.02.2024 passed in CWP-10421-2022 has been complied with.

16. In view of the above, the contempt is purged, rules is discharged.

17. All the pending miscellaneous applications, if any, are also disposed of.

September 11th, 2025

(SUDEEPTI SHARMA)
JUDGE

Ayub

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