



CWP-29018-2025

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

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**CWP-29018-2025 (O&M)
Date of decision : 07.11.2025**

PAWAN KUMAR

..... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. R. K. Arora, Senior Advocate with
Mr. Jugam Arora, Advocate,
Mr. Prabhat K. Jalbera, Advocate and
Mr. J. S. Bhogal, Advocate
for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 10.06.2025 (Annexure P-10) whereby the prayer of the petitioner for promotion from the Master Cadre to the post of Headmaster has been rejected, w.e.f. the date his juniors were promoted, i.e., 21.03.2025.

2. The brief facts of the case are that the petitioner belongs to the Scheduled Caste category and joined the Department of Education as a Hindi Master on 11.01.1997. In the seniority list issued by the Department, the petitioner's name figures at serial No.36361. Master Cadre employees are further entitled to promotion to the post of Lecturer and Head Master. The

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recruitment and conditions of service of Lecturers and Headmasters are governed by the Rules called as Punjab Education Service (School and Inspection) Group-B Rules, 2018 (hereinafter referred to as 'Rules')). As per the above said Rules, there are two channels of promotion from the Master's cadre i.e. Lecturer as well as Headmaster, on the basis of seniority in the Master Cadre. Both the posts of Lecturer and Headmaster carries the same pay scale.

3. The Department vide notices dated 11.06.2024, 06.07.2024 and 08.07.2024 called cases of Master Cadre employees for the purpose of promotion to the post of Lecturer in different streams. In pursuance to the above said notice, the petitioner submitted his case for consideration for promotion on the post of Lecturer. The Department also called cases for promotion from Master cadre to the post of Headmaster vide notice dated 23.09.2024. The petitioner also applied for consideration for his promotion to the post of Headmaster on 30.09.2024. The case of petitioner was considered for promotion on the post of Lecturer, and vide order dated 21.10.2024, petitioner was promoted on the post of Lecturer. The petitioner joined the post of Lecturer on 23.10.2024.

4. After the petitioner was promoted on the post of Lecturer, promotion orders of the post of Headmaster from the Master Cadre were issued by the Department on 21.03.2025. As per the above said order, large number of persons who were junior to the petitioner, as per the seniority list, were granted promotion on the post of Headmaster.

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5. The petitioner filed CWP No.9555 of 2025 before this Court for consideration of his case for promotion on the post of Headmaster from the date his juniors were promoted. The said writ petition was disposed of by this Court on 04.04.2025 with a direction to the respondents to consider the application submitted by the petitioner within a period of 04 months.

6. In pursuance to the above said order passed by this Court, the petitioner was called for personal hearing on 14.05.2025 vide letter dated 28.04.2025. After hearing the petitioner, an order dated 10.06.2025 was passed by the Department whereby, the claim of the petitioner for consideration for promotion on the post of Headmaster was rejected on the basis that he has already been promoted as Lecturer on 23.10.2024.

7. Aggrieved against the above said order dated 10.06.2025, the petitioner has filed the present writ petition.

8. Learned senior counsel submits that the petitioner has a right to be considered for promotion on the post of Headmaster in terms of the Rules even if the petitioner has been promoted on the post of Lecturer. Learned counsel also submits that if, the petitioner had not accepted his promotion on the post of Lecturer, he had to forego promotion for a period of two years as per the instructions issued by the Department, as such, petitioner is entitled to be considered for promotion on the post of Headmaster.

9. Notice of motion.

10. Mr. Amarpreet Singh Bains, AAG, Punjab accepts notice on behalf of respondents.

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11. Learned State counsel submits that once, the petitioner has accepted promotion on the post of Lecturer and has joined the above said post, there was no reason to consider the case of petitioner for promotion on the post of Headmaster.

12. After hearing learned counsel for the parties at some length and going through the relevant Rules and record, a perusal of the facts of the present case would show that although there are two channels of promotion from Master cadres, i.e., Lecturer as well as Headmaster. However, it is an admitted fact that the petitioner, in pursuance to the notices issued by the Department for the purpose of filling up posts of Lecturer, was promoted vide order dated 21.10.2024 and had joined the post on 23.10.2024. A perusal of the facts would further show that no representation was submitted by the petitioner before joining the post of Lecturer to an extent that he was joining the above said post only for the reason that if he does not join on the above said post, he has to forego promotion for a period of two years or he was only interested to be considered for promotion on the post of Headmaster.

13. It is well settled law that an employee cannot approbate or reprobate once the employee has accepted the appointment. Employee generally deem to have waived his claim to the other post once he accepts a particular post. A perusal of the facts of the case would show that the petitioner has accepted the first promotion offered to him. In case the claim of the petitioner is accepted, then it will not be possible for the Department to finalize the promotion to the post of Lecturer as well as Headmaster.



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14. In regard to the contentions raised by the learned counsel for the petitioner that he had to accept the promotion on the post of Lecturer otherwise he had to forego promotion for a period of 02 years. The said contention can not be accepted for the reason that the petitioner had applied for consideration for promotion on the post of Lecturer and Headmaster. Even if, petitioner had not accepted promotion to the post of Lecturer, he would have been considered for promotion on the post of Headmaster and as such, it could not be held that petitioner had to forego his promotion for a period of two years, if he had not accepted the promotion on the post of Lecturer.

15. Taking into consideration the facts of the case and relevant rules, this Court finds no infirmity in the order dated 10.06.2025 (Annexure P-10) passed by the respondents. Accordingly, the present writ petition is dismissed.

16. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

07.11.2025
Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	Yes