

2026.PHHC:019133



102.

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

RSA-2623-1995

Date of decision: 09.02.2026

State of Punjab and another

.... Appellants

Versus

Kashmira Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Satnampreet Singh Chauhan, DAG, Punjab,
for the appellants.

Mr. Naresh Kumar, Advocate, for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The instant Regular Second Appeal has been directed by the State of Punjab against the judgments and decrees passed by the courts below whereby the claim of the respondent-plaintiff for grant of selection grade at par with Jodh Singh has been accepted.

2. Parties to the *lis* hereinafter shall be referred to as per their original position before the learned Trial Court.

3. Briefly stated, the plaintiff filed a suit for mandatory injunction, seeking directions to the State of Punjab and District Education Officer, Hoshiarpur, to grant him selection grade prior to 11.04.1963, on which date, the same was granted to one Pritam Chand, who was at serial No.92 of the seniority list prepared on the basis of re-fixation of his

seniority from serial No.89 to serial No.72. The plaintiff was appointed as a regular Drawing Master in the Education Department on 29.12.1961 and was confirmed on the said post on 10.03.1963. Initially, the seniority of teachers was maintained at the Divisional level; however, the same was cancelled on 18.01.1962 and, a fresh seniority list was prepared at District level by adopting the date of joining the cadre as criterion for determining the seniority instead of the date of confirmation, as provided under the Punjab Educational Services Class-III, School Cadre Rules, 1955, which was notified on 30.05.1957. The plaintiff was shown junior to many other teachers. Aggrieved thereby, the plaintiff filed a civil suit against the State for not fixing his seniority as per rules. The said suit was decreed, vide judgment and decree dated 20.10.1983, and it was held that seniority fixed by the department was wrong and was against the relevant rules and, therefore, fresh seniority list was ordered to be prepared on the basis of the date of confirmation. In compliance thereto, a revised seniority list of 93 persons was prepared by the District Education Officer, Hoshiarpur, wherein the name of plaintiff was placed at serial No.72, whereas the name of Pritam Chand, S & V Teacher of Government High School, Saroa, was placed at serial No.92. Despite the fact that Pritam Chand was junior to the plaintiff, he was given selection grade w.e.f. 11.04.1962, while the plaintiff was granted selection grade w.e.f. 04.05.1971. It was, therefore, pleaded that the plaintiff was entitled to the selection grade w.e.f. 11.04.1962 alongwith consequential revision of pensionary benefits. Despite repeated

requests by the plaintiff, no action was taken by the defendants. Aggrieved thereby, the plaintiff filed civil suit, claiming all the abovesaid benefits. The suit was contested by the defendants, wherein it was admitted that the plaintiff was at Serial No.72 in the revised seniority list. With regard to Pritam Chand, it was pleaded that he was initially appointed on 11.04.1959 and was confirmed on 11.04.1960 when he was working at Government High School, Fazilka, District Ferozepur, and was granted selection grade w.e.f. 11.04.1962 on the basis of seniority as on 31.12.1959 maintained at Divisional level and, thereafter, he was transferred from Government High School, Fazilka to Government High School, Saroa, District Hoshiarpur, on 04.05.1965. The seniority of C&V Teacher at District level was prepared for the first time in the year 1968 after splitting up of Divisional level seniority and Pritam Chand was placed at the tail at serial No.92 in the District level seniority list because he had been transferred from Ferozepur District to Hoshiarpur District. It was further pleaded that no selection grade was granted to any junior teacher before granting the selection grade to the plaintiff. However, in the replication, it was stated by the plaintiff that apart from Pritam Chand, various other juniors, as per revised seniority list, were granted selection grade earlier to the plaintiff including one Jodh Singh, who was at serial No.90 in the revised seniority list, and was granted selection grade w.e.f. 01.02.1968, whereas the plaintiff was granted selection grade w.e.f. 04.05.1971.

3.1 Since Jodh Singh, having serial No.90, was granted selection grade prior to the plaintiff, who was at serial No.72, consequently, the suit filed by the plaintiff was decreed, vide judgment and decree dated 05.03.1992, by the learned Trial Court and the plaintiff was held entitled to the selection grade w.e.f. 01.02.1968, on which date, the selection grade was granted to Jodh Singh, who was junior to the plaintiff. The first appeal preferred by the State against the judgment and decree dated 05.03.1992, has been dismissed by the learned Additional District Judge, Hoshiarpur, vide its judgment and decree dated 28.04.1995.

4. Learned counsel for the State contends that the selection grade was granted strictly as per the seniority at the relevant time. Pritam Chand received selection grade on the basis of divisional-level seniority prior to preparation of district level seniority, and his later placement at serial No.92 due to transfer, conferred no right upon the plaintiff. It was argued that no junior was granted selection grade before the plaintiff and, therefore, the judgments and decrees passed by both the courts below, are liable to be dismissed.

5. *Per contra*, learned counsel for the plaintiff contends that the action of the defendants in granting selection grade to juniors while denying the same to the plaintiff, is arbitrary and violative of the principles of seniority and equality. It was further argued that despite the plaintiff being senior in the revised seniority list, several juniors, including Jodh Singh, were granted selection grade much earlier, whereas the plaintiff was

granted the same belatedly. Therefore, the judgments and decrees passed by both the courts below are justified and call for no interference by this Court.

6. I have heard learned counsel for the parties and have perused the record.

7. From the above facts, it is clear that Jodh Singh, who was junior to the plaintiff, was granted the selection grade w.e.f. 01.02.1968 and whereas the plaintiff, who was placed at serial No.72 in the seniority list, was extended the benefit of selection grade w.e.f. 04.05.1971. Nothing has been shown by the State counsel as to how the plaintiff is not entitled for the selection grade w.e.f. 01.02.1968, when the same was granted to his junior, namely, Jodh Singh, having serial No.90.

8. In view of the abovesaid factual matrix and the settled position of law, it is held that the plaintiff, being senior in the revised seniority list, was unjustly denied the grant of selection grade while his juniors were extended the said benefit earlier. The action of the defendants in granting selection grade to juniors of the plaintiff is arbitrary, discriminatory, and violative of the applicable service rules. The State has failed to demonstrate any rational basis for treating the plaintiff differently from his juniors, thereby rendering their action violative of Articles 14 and 16 of the Constitution of India.

9. Keeping in view the above, this Court finds no illegality, infirmity or perversity in the judgments and decrees passed by the courts below. Concurrent findings recorded by both the courts below are justified

and moreover, learned counsel for the appellants has failed to show that the same are perverse or illegal or based on misreading, non-reading or mis-appreciation of the material evidence on record.

10. No question of law, much less substantial question of law has been raised or arises for consideration in the present appeal. No other point has been urged.

11. In view of the above, present appeal is dismissed.

(NAMIT KUMAR)
JUDGE

09.02.2026
sanjeev

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