



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
115

CWP-6816-2026 (O&M)
Date of decision: 09.03.2026

Arvind and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Bhardwaj, Advocate
for the petitioners.

Mr. Piyush Khanna, Addl. A.G., Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned order dated 27.12.2024 (Annexure P-20); promotion orders dated 05.07.2023 (Annexure P-17), 24.10.2024 (Annexure P-18) and 27.12.2024 (Annexure P-19). Further a writ of *mandamus* has been sought, directing the respondents No.1 to 3 to restore the promotion granted to petitioners No.2, 3 and 6 vide order dated 03.07.2023 and promotion given to petitioner No.9 vide order dated 09.05.2023 with all consequential benefits including promotion to higher posts of Assistant.

2. Learned counsel for the petitioners, inter alia, contends that the Government Instructions dated 22.10.1997 (Annexure P-1) clearly mandated that no Clerk who has not passed the typing test shall be



promoted. Thereafter, the Haryana State Agricultural Marketing Board Service Rules, 2008, were amended vide Notification dated 08.11.2013 (Annexure P-2), substituting the typing test with the SETC examination. Thereafter, pursuant to the directions issued by this Court on **04.09.2018** in **CWP-7630-2016**, titled as ***Uma Kant and others vs State of Haryana and others*** (Annexure P-3), the Government issued Instructions dated 17.11.2018 (Annexure P-4) making it mandatory for Clerks to pass the SETC examination. A Division Bench of this Court vide order dated 21.02.2019 passed in **CWP-18143-2018**, titled as ***Nissar Ahmed vs State of Haryana and others***, (Annexure P-5), further clarified that those promoted after 07.11.2013 must pass the test. The petitioners, appointed as Clerks in the year 2018, duly qualified the SETC exam whereas the private respondents No.4 to 14, initially working on Group 'D' posts, were promoted as Clerks on the condition of passing the SETC exam but they have failed to do so despite being granted 10 additional attempts vide letter dated 22.12.2020 (Annexure P-12). The petitioners were promoted as Sub-Divisional Clerks on 09.05.2023 and 03.07.2023 (Annexures P-13 and P-13A, respectively). In the meanwhile, one writ petition i.e. CWP-1592-2021 was disposed of by this Court on 25.07.2023 (Annexure P-16), merely with a direction to decide the representation of the petitioners therein within a period of eight weeks. In purported compliance, by ignoring the mandate of applicable Rules, the private respondents were promoted retrospectively w.e.f. 09.05.2023. Thereafter, vide order dated



27.12.2024 (Annexure P-20), the promotion dates of some of the petitioners were shifted adversely. Feeling aggrieved, the petitioners filed representations dated 01.01.2025 and 26.12.2025 (Annexures P-21 and P-22, respectively) which remain unheeded. Admittedly, the private respondents never passed the mandatory examination even after 10 additional attempts and they were declared unqualified and as such, their promotion is illegal. Learned counsel for the petitioners further submits that the promotion of the private respondents without passing the mandatory SETC examination is illegal and the arbitrary shifting of the petitioners' promotion dates constitutes discrimination and violation of the Government Instructions dated 22.10.1997 (Annexure P-1), the amendment to the Haryana State Agricultural Marketing Board Service Rules, 2008 dated 08.11.2013 (Annexure P-2) and the directions dated 21.02.2019 (Annexure P-5) issued by the Division Bench of this Court.

2.1. Learned counsel for the petitioners submits that he would be satisfied if the representation dated 26.12.2025 (Annexure P-22) of the petitioners is decided by respondent No.2 by passing a speaking order in a time bound manner.

3. Learned State counsel, appearing on advance notice, submits that he has no objection, in case a direction is issued to the respondent No.2 for time-bound consideration and decision of the representation dated 26.12.2025 (Annexure P-22) of the petitioners by passing a speaking order.



4. Therefore, in view of the limited prayer made by learned counsel for the petitioners, the respondent No.2 is directed to consider the representation dated 26.12.2025 (Annexure P-22) of the petitioners and pass a speaking order in the light of the judgment rendered by this Court in *Uma Kant's case (supra)* (Annexure P-3) and the directions issued by the Division Bench of this Court in *Nissar Ahmed's case (supra)* (Annexure P-5), after affording an opportunity of hearing to the petitioners, within a period of 04 weeks from the date of receiving a certified copy of this order. Further, the decision taken thereof shall be conveyed to the petitioners. Needless to say, if the petitioners are found entitled to the relief sought, the same shall be granted forthwith by respondent No.2.

5. Disposed of, accordingly.

6. In the meantime, any proposal for any promotion shall be kept in abeyance.

(HARPREET SINGH BRAR)
JUDGE

09.03.2026
yakub

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