

CWP-15491-2025

2026:PHHC:057908



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

214

CWP-15491-2025

Date of Decision: 17.04.2026

BALINDER SINGH

.....Petitioner

VERSUS**STATE OF HARYANA AND ORS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:- Mr. U.K. Agnihotri, Advocate with
Mr. A.K. Agnihotri, Advocate and
Mr. Sandeep Rana, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. AG, Haryana.

Mr. J.C. Kapoor, Advocate
for respondent No.4-Bank.

HARPREET SINGH BRAR, J. (Oral)

1. This is a Civil Writ Petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside/quashing the impugned order dated 09.12.2024 (Annexure P-25) passed by respondent No. 3, whereby the benefit granted to the

CWP-15491-2025

2026:PHHC:057908



petitioner vide order dated 14.09.2020 (Annexure P-7) has been withdrawn, and for restoring the said benefit with all consequential benefits. Additionally, a prayer is made for issuance of a writ in the nature of *mandamus* directing the respondents to promote the petitioner to the post of Senior Accountant w.e.f. 14.09.2020, i.e., the date when the petitioner, along with other similarly situated persons, was promoted, along with all consequential benefits including continuity of service, fixation of pay, arrears of salary, seniority, grant of revised annual increments, and all other attendant benefits in accordance with law.

CONTENTIONS

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was promoted as Senior Accountant on 14.09.2020, as is discernible from (Annexure P-7). The promotion order contained a condition that the petitioner was required to clear the State Eligibility Test in Computer Appreciation & Applications (hereinafter referred to as the 'SETC Test') within a period of one year, extendable by a further period of one year, failing which he would be reverted. The petitioner joined the promotional post on 14.09.2020 itself and submitted his joining report (Annexure P-8). Thereafter, the respondent-Bank issued a letter dated 02.11.2020 directing the petitioner to qualify the SETC Test within a period

CWP-15491-2025

2026:PHHC:057908



of one year from the date of resolution, i.e. 08.10.2020. In compliance, the petitioner cleared the Haryana State Information Technology (HS-CIT) Test on 20.03.2021 and submitted the certificate (Annexure P-11) on 19.08.2021. In the meantime, an employee of the respondent-Bank challenged the petitioner's promotion, and respondent No.2, i.e. the Registrar, Cooperative Societies, Haryana, set aside the promotion order dated 04.03.2021 (Annexure P-10) on the ground that the petitioner had not cleared the SETC Test at the time of promotion. The petitioner challenged the said order. Consequently, respondent No.1, i.e. the Additional Chief Secretary, Government of Haryana, Cooperation Department, vide order dated 09.09.2021 (Annexure P-14), directed the respondent-Bank to determine the petitioner's eligibility on the basis of the HS-CIT Test acquired by him. However, the said order was not complied with.

The petitioner thereafter filed CWP-2868-2022, which was disposed of on 03.07.2024 (Annexure P-23) with a direction to the respondent-Bank to consider the petitioner's entitlement for promotion to the post of Senior Accountant and to record a finding as to whether the petitioner falls within the exempted category or not. In purported compliance, the Board of Administrators held a meeting and passed Resolution No.11, recommending that the petitioner is eligible for

CWP-15491-2025

2026:PHHC:057908



promotion from the date of submission of his certificate, i.e. 19.08.2021. Subsequently, the respondent-Bank convened an emergent meeting, and the General Manager directed that a detailed agenda regarding the petitioner's promotion be placed before the Board of Administrators, as is discernible from (Annexure P-24). Therein, the matter was decided on two grounds: firstly, that the petitioner had not availed study leave in terms of Rules 50 and 51 of the Haryana Civil Services (Leave) Rules, 2016; and secondly, that he had not obtained prior permission. Learned counsel for the petitioner submits that the aforesaid rules are applicable to acquiring higher education, whereas the test in question does not amount to higher studies but is merely a proficiency test in computer applications. It is further contended that there was no requirement to obtain prior permission, as the petitioner had been directed by the respondent-Bank itself, vide Annexures P-7 and P-9, to clear the said test.

3. *Per contra*, learned counsel for the respondent-Bank reiterates the grounds taken in the impugned order and submits that the petitioner neither obtained prior permission to appear in/clear the test in question nor availed study leave in terms of Rules 50 and 51 of the Haryana Civil Services (Leave) Rules, 2016. As such, the petitioner is neither eligible nor entitled to promotion.

CWP-15491-2025

2026:PHHC:057908



OBSERVATIONS AND ANALYSIS

4. I have heard the learned counsel for the parties and perused the records with their able assistance.

5. It transpires that the petitioner was promoted vide letter dated 14.09.2020 (Annexure P-7), subject to the condition of qualifying the State Eligibility Test in Computer Appreciation and Application (SETC) within one year of probation, extendable by a further period of one year. Subsequently, vide communication dated 02.11.2020 (Annexure P-9), the General Manager directed the petitioner to clear the SETC within one year from 08.10.2020. Further, it is an admitted position that the petitioner acquired the HS-CIT certificate from an authorized agency of Haryana Knowledge Corporation Limited and submitted the same to the respondents on 19.08.2021, which fact stands duly acknowledged by the respondents in their reply.

6. A bare perusal of the Letter dated 19.09.2019 (Annexure P-21) and the Letter dated 07.11.2013 (Annexure P-18) issued by the Chief Secretary explicitly stipulates that employees possessing any of the enlisted qualifications, which expressly include the HS-CIT course, stand exempted from the requirement of passing the SETC. The inclusion of HS-CIT within the exempted category is not in dispute and, in fact, stands expressly

CWP-15491-2025

2026:PHHC:057908



acknowledged by the respondents themselves in the impugned order (Annexure P-25).

7. Furthermore, the order passed by the Additional Chief Secretary to the Government of Haryana, Cooperation Department, on 09.09.2021 (Annexure P-14) unequivocally directed Respondent No. 2 therein (arrayed as Respondent No. 4 in the present petition), to consider the eligibility of the Appellant for promotion strictly in view of his acquisition of the HS-CIT certification, after due verification of the same. Thereby acknowledging and recognising the certificate acquired by the petitioner. It is pertinent to note that the said order (Annexure P-14) did not negate, discredit, or impose any condition regarding study leave upon the certificate so acquired.

8. Moreover, the Board of Administrators, vide resolution dated 22.08.2024 (Annexure P-24), while considering the petitioner's case, categorically recorded that "the employee falls under the exempted category on the due date i.e. 19.08.2021 and promotional benefits can be granted to him." This constitutes a clear and reasoned determination of eligibility by the competent body (Board of Administrators) itself. Having found the Petitioner eligible and entitled to promotional benefits, the Board of Administrators, vide impugned order dated 09.12.2024 (Annexure P-25),

CWP-15491-2025

2026:PHHC:057908



took a U-turn and rejected the Petitioner's request, without recording any reasons for dissent from the resolution passed on 22.08.2024 (Annexure P-24), solely on the ground that since study leave was not availed, the certificate cannot be recognized for service benefits.

9. The Board, once finding the petitioner eligible for promotion, cannot whimsically declare him ineligible and take a U-turn after a few months. The validity of the certificate to be recognised for employment was settled on 09.09.2021 itself, when the Additional Chief secretary directed the respondents to consider the eligibility of the petitioner in view of his HS-CIT certificate.

10. The impugned order is a classic illustration of administrative inconsistency where a validly acquired right is sought to be frustrated by a subsequent volte-face. The State, as a model employer, is bound by the tenets of fairness and candour; it cannot blow hot and cold to the detriment of an employee who has placed his trust in the official communications of the Government. The Hon'ble Supreme Court in ***Bhupendra Nath Hazarika v. State of Assam 2012 INSC 553*** emphasized that the State must not convert an employee's legitimate hopes into "deceitful and treacherous" despair by "playing a game of chess" with their service benefits. Echoing this sentiment, the Apex Court in ***Balram Gupta v. Union of India 1987***

CWP-15491-2025

2026:PHHC:057908



INSC 235 mandated that "As a model employer the Government must conduct itself with high probity and candour with its employees." In the present case, the Respondents having recognized the Petitioner's eligibility on 09.09.2021 and having expressly resolved to grant promotion on 22.08.2024, the sudden reversal on 09.12.2024 is devoid of both probity and reasonableness. Such arbitrary conduct defeats the very concept of good governance and warrants the intervention of this Court.

11. Moreover, the acquisition of an HS-CIT Certification cannot, by any stretch of reasoning, be construed as "Higher Studies" necessitating study leave. The HS-CIT is merely a short-term technical training qualification aimed at imparting basic IT skills; it is manifestly not comparable or equivalent to full-time higher education that would require sanctioned absence from duty, which is the aim of the provision of Study Leave.

12. Further, it is incomprehensible that when the respondents themselves vide letter dated 02.11.2020 (Annexure P-9), directed the petitioner to qualify the SETC within the stipulated time frame, why should he have taken permission to pursue the course in pursuance to the same direction. The contention raised by the learned counsel for the respondents is, therefore, illogical and untenable.

CWP-15491-2025

2026:PHHC:057908



13. In view of the above the order passed by the Board of Administrators dated 09.12.2024 (Annexure P-25) is unsustainable in the eyes of law and is consequently quashed and set aside.

14. Accordingly the present petition is allowed. Needless to say the petitioner would be entitled to all benefits in terms of his promotion of order dated 14.09.2020 (Annexure P-7).

(HARPREET SINGH BRAR)
JUDGE

17.04.2026

Parul Verma

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