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

CWP-25994-2017

Date of Decision: 18.02.2026

SANJAY KUMAR

...Petitioner

Versus

THE SECRETARY DEPARTMENT OF HIGHER EDUCATION &
OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL.

Present:- Mr. Sonu Bhatia, Advocate on behalf of
Mr. Surmukh Singh, Advocate for petitioner.

Mr. Rajdeep Singh Cheema, Senior Advocate
For respondent No.3

Mr. Sameer Kumar, Advocate and
Ms. Nishtha, Advocate on behalf of
Mr. Sandeep Bansal, Advocate
For respondent No.4

JAGMOHAN BANSAL, J. (ORAL)

1. There was no representation on behalf of U.T. Administration on previous occasion and today also no one has put appearance on behalf of U.T. Administration. Matter is pending before this Court since 2017 and there seems no reason to keep the matter in abeyance. This Court has noticed that counsel of U.T. Administration and Municipal Corporation, Chandigarh appear when they are telephonically called. They on their own normally do not appear. On many occasions, this fact has been pointed out to Mr. Amit Jhanji, Senior Standing counsel, U.T. Administration.



2. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 16.01.2017 whereby his claim for promotion from Group 'D' post to Group 'C' has been rejected.

3. On 15.11.2017 while issuing notice of motion, the following order was passed:-

“ Counsel inter alia contends that the respondents themselves had sought information from the U.T. Administration vide Annexure P-9 to confirm the criteria for promotion from peon to clerk in grant-in-aid colleges. They had been informed vide letter dated 06.10.2016 (Annexure P-10) that the 7th post is to be filled up from amongst Group 'D' employees under 15% quota reserved for them. It is submitted that there is no tangible reason in the impugned order to deny promotion to the petitioner. Respondent no. 3 has thereafter filled up the vacancies by appointing respondents no. 4 and 5 by way of direct recruitment.

Notice of motion.

Mr. Dinesh Jangra, Advocate, accepts notice on behalf of respondents no. 1 and 2 and prays for time. Requisite number of copies of the writ petition be supplied to him during the course of the day.

Adjourned 30.01.2018, for service of respondents no. 3 to 5.”

4. On 16.02.2026, the following order was passed:-

“ The short question involved in the petition is whether the petitioner is entitled to promotion from the post of Peon to Clerk against 15% quota or not. The respondent-college in its reply/additional affidavit has categorically stated that they have repeatedly sought clarification from U.T. Administration, however, U.T. Administration has forwarded few notifications but failed to point out any particular notification which is



applicable to Government Aided Colleges. The post in question is grant in aid post and in the absence of specific clarification/approval of U.T. Administration, the College cannot make promotion.

Learned counsel representing the petitioner seeks time to point out particular rule/notification providing that College is bound to grant 15% quota in promotion from the post of Peon to Clerk.

Adjourned to 18.02.2026.

To be taken up immediately after the urgent matters.”

5. Learned counsel for the petitioner claims that as per letter dated 06.10.2016 of Director Higher Education, Chandigarh Administration, every 7th post is to be filled up from Group ‘D’ employees under 15% quota. The respondent has not complied with mandate of 15% quota, thus, petitioner was not selected as Group ‘C’ employee.

6. Mr. Rajdeep Singh Cheema, Senior Advocate appearing for respondent No.3 - College submits that College has repeatedly asked the Administration to clarify the position because post in question is grant-in-aid post. The Administration has pointed out Rules which are applicable to Government Colleges. In the absence of specific clarification, the College cannot implement Rules applicable to Government Colleges.

7. Heard the arguments and perused the record.

8. In the absence of clarification by UT Administration, the respondent-College has expressed its helplessness to extend benefit of 15% reservation/quota to petitioner for promotion from the post of Peon to Clerk. The post in question is grant-in-aid, thus, financial burden has to be borne by Administration which is not clarifying the position. To resolve the problem, it would be appropriate for the Administration to issue specific clarification.

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9. Accordingly, the petition is disposed of with a direction to Director Higher Education, Chandigarh Administration to clarify whether concept of 15% quota for promotion from the post of Peon to Clerk is applicable to Government aided posts available with respondent-College. Let the needful be done within four weeks from today.

(JAGMOHAN BANSAL)
JUDGE

18.02.2026
SDK

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