

CWP-19683-2026

2026:PHHC:089804



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

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Date of Decision: **03.07.2026**

Ram Niwas

.....Petitioner

VERSUS

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Kanwal Goyal, Mr. Paramjit Singh & Ms. Sheena Dahiya,
Advocates for the petitioner.

Mr. Harish Nain, DAG Haryana-State.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of an appropriate writ or order in the nature of *certiorari* for quashing the impugned orders of promotion dated 28.07.2022, 30.11.2022, 06.12.2022, 27.01.2023, 27.02.2023 and 10.12.2025 (Annexures P-21 to P-26) respectively, issued in violations of fundamental right to equality enshrined under Articles 14 and 16 of Constitution of India and statutory provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995 (PwD Act 1995) read with Rights of Persons with Disabilities Act, 2016 (RPwD Act 2016). Further praying for issuance of a writ in the nature of

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mandamus directing respondents to consider the grievance of petitioner for promotion to post of Headmaster High School w.e.f. 24.12.2022 i.e. the date when petitioner fulfilled all requisite eligibilities with all service and financial benefits.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner belongs to the Reserved Category, namely, the Deprived Scheduled Castes category of the State of Haryana (Annexure P-1), and is a person with benchmark disabilities, having 78% multiple disability, including severe hearing impairment, as certified by the competent Medical Board, as is discernible from Annexures P-6 and P-6A. It is submitted that the petitioner was initially appointed as a JBT Teacher on 26.10.1998 under the Haryana Primary Education Department District Cadre Rules, 1994, and was subsequently appointed as a Social Studies Master (now TGT-Social Studies) on 13.12.2004, as is evident from Annexure P-7. Thereafter, consequent upon the restructuring of the School Education Cadre under the Right of Children to Free and Compulsory Education Act, 2009 and the notifications/instructions issued thereunder (Annexures P-8 to P-10), the petitioner was promoted as Elementary School Headmaster (ESHM) vide order dated 13.06.2013 (Annexure P-12). It is further submitted that under the Haryana State Education Cadre (Group-B) Service Rules, 2012 (Annexure P-11), the petitioner became fully eligible for promotion to the post of Headmaster (High School) upon completion of eight years of regular service as Master/TGT in December, 2012.

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2.1 Learned counsel further submits that in compliance with the law laid down by the Hon'ble Supreme Court in *Rajeev Kumar Gupta v. Union of India* (Annexure P-13) and *Siddaraju v. State of Karnataka and Others*, (2020) 19 SCC 572, the Government of Haryana issued instructions dated 25.03.2022 (Annexure P-17) and 01.07.2022 (Annexure P-18), providing for 3% and thereafter 4% horizontal reservation in promotion for persons with benchmark disabilities against the earmarked roster points. It is contended that, in complete disregard of the aforesaid Government instructions and the law laid down by the Hon'ble Supreme Court, the respondents issued a series of promotion orders to the post of Headmaster (High School) without adhering to the prescribed disability reservation roster points, namely, roster points 1, 26, 51 and 76, and thereby adopted a pick-and-choose policy. It is further submitted that the official roster register published by the Department on 10.03.2026 (Annexure P-20) places the petitioner at Serial No. 62 amongst the eligible TGTs belonging to the benchmark disability category, which clearly demonstrates that promotions have already been granted beyond the petitioner's roster position up to roster point No. 79, while his legitimate claim has been illegally ignored. It is lastly submitted that the petitioner served a legal notice dated 04.03.2026 (Annexure P-27) however, the said legal notice has remained unheeded, thereby compelling the petitioner to invoke the extraordinary writ jurisdiction of this Court.

2.2. At this stage, learned counsel for the petitioner submits that the present writ petition may kindly be treated as a comprehensive

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representation and respondent No.2/competent authority be directed to consider and decide the claim of the petitioner by passing a reasoned and speaking order within a stipulated period after affording an adequate opportunity of hearing to the petitioner and in accordance with law.

3. Notice of motion.

4. Mr. Harish Nain, learned Deputy Advocate General, waives service of notice on behalf of the respondents-State and submits that he no objection in case a direction is issued to respondent No.2/competent authority to consider and decide the claim of the petitioner by passing a reasoned and speaking order in accordance with law.

5. In view of the limited prayer made by learned counsel for the petitioner and without expressing any opinion on the merits of the case, the present writ petition is disposed of with a direction to respondent No.2/competent authority to treat the present writ petition as a comprehensive representation and to consider and decide the claim of the petitioner by passing a reasoned and speaking order, in accordance with law, within a period of three months from the date of receipt of a certified copy of this order.

6. Needless to say, if the petitioner is found entitled to the relief sought, the same be granted to him forthwith by respondents/competent authority.

7. Any deviation from or non-compliance of the directions issued by this Court shall entitle the petitioner to move an appropriate application

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under Article 215 of the Constitution of India for initiation of contempt proceedings against the erring officials in accordance with law.

8. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

03.07.2026
Puneet Chawla

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