

Devi Ram and Others Vs. State of Haryana and Others

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Court : Punjab and Haryana

Decided On : Feb-24-2014

Appellant : Devi Ram and Others

Respondent : State of Haryana and Others

Judgement :

CWP No.1880 of 2011 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH203 CWP No.1880 of 2011 Date of Decision : February 24, 2014
Devi Ram and others ...PETITIONERS versus State of Haryana and others
....RESPONDENTS CORAM : HON'BLE Mr.JUSTICE AUGUSTINE GEORGE MASIH Present : Ms.Alka Chatrath, Advocate, for the petitioneRs.Mr.Harish Rathee, Sr.DAG, Haryana, for the respondents.

AUGUSTINE GEORGE MASIH, J.

(ORAL) Petitioners have approached this Court impugning the letter dated 17.06.2010 (Annexure P-16).whereby cases of Masters/Mistresses to the post of Lecturer in English under promotion quota have been invited making the Masters/Mistresses eligible who were not eligible for promotion due to non-passing of M.A.qualification on the cut off date as per the letter dated 17.08.2007 (Annexure P-1).PetitioneRs.in pursuance to the letter dated 17.08.2007 (Annexure P-1) issued by the Commissioner and Director General, School Education, Haryana, submitted their cases for promotion to the post of Lecturer in English.

As per the said letter of the Prerna datta 2014.02.25 11:12 I attest to the accuracy and integrity of this document High Court, Chandigarh CWP No.1880 of 2011 2 Commissioner, the cases of Masters/Mistresses in C&V Teachers whose services were regularized on 31.12.2003 and have passed M.A. on or before 31.07.2007 and fulfil the qualifications for promotion to the post of Lecturer in English, were called for.

As a consequence thereof, as per the reply filed by the respondents, it has been stated as follows in para-4 of the preliminary submissions:- That the Department has promoted 168 Masters/C&V teachers to the posts of Lecturers in English vide order No.15/1351-2006 HRL (2) dated 25.10.2007.

Further, 77 Masters/C&V teachers were promoted to the posts of Lecturer in English vide order No.15/1351-2006 HRL (2) dated 14.2.2008 and 54 Masters/C&V teachers were promoted to the posts of Lecturers in English vide order No.15/1351-2006 HRL (2) dated 21.07.2009.

It is, however, clarified that the case of only those Masters/C&V teachers were considered for promotion to the posts of Lecturer in English who had joined service on regular basis on or prior to 31.12.1998 whereas petitioners had joined service on regular basis on 25.02.2002/01.10.2003 respectively, hence, their name could not be considered for promotion being not fall within the ambit of promotion and their cases/personal files were returned to the District Education Officers concerned vide this office Memo No.4/62-2009 HRL (6) dated 30.06.2011, Prerna datta 5.9.2011, 13.9.2011 and 16.9.2011.

Not a single Master 2014.02.25 11:12 I attest to the accuracy and integrity of this document High Court, Chandigarh CWP No.1880 of 2011 3 or C&V Teacher junior to the petitioners have been promoted to the post of Lecturer in English and there are so many Masters or C&V Teacher senior to the petitioners are waiting for their promotion as Lecturer in English.

Hence, no cause of action has arisen to the petitioners to file the present writ petition and the same is liable to be dismissed.

The petitioners have made a grievance in the present writ petition that through a communication dated 17.06.2010 (Annexure P-16).Director, Secondary Education, Haryana, has again called for applications for promotion to the post of Lecturer in English where the cases of candidates, whose services have been regularized on or before 31.12.2000 and are eligible for promotion to the post of Lecturer English, have been called for.

Counsel for the petitioners contends that by this action on the part of the respondents, the petitioners who were earlier eligible as per the letter dated 17.08.2007 (Annexure P-1) and had submitted their cases for promotion, have been rendered ineligible and have been denied the right of promotion as in the letter dated 17.06.2010 (Annexure P-16).no date for passing of M.A.has been fixed.

This, the counsel contends, is not sustainable.

This submission of the counsel for the petitioner cannot be accepted in the light of the reply, which has been filed by the respondents and reproduced above.

No person junior to the Prerna datta petitioners has been promoted to the post of Lecturer in pursuance to 2014.02.25 11:12 I attest to the accuracy and integrity of this document High Court, Chandigarh CWP No.1880 of 2011 4 the cases, which were called for and submitted for promotion to the post of Lecturer in accordance with the letter dated 17.08.2007 issued by the Commissioner and Director, School Education, Haryana.

A perusal of the reply also indicates that cases of all Masters/C&V Teachers who had joined service on regular basis on or prior to 31.12.1998, were taken into consideration and promoted.

Petitioners since joined service on regular basis in the year 2002-03 were not, therefore, prejudiced in any manner.

Now, vide communication dated 17.06.2010 (Annexure P-16) again the cases have been called for consideration for promotion to the post of Lecturer.

It is for the department to consider as to how many vacancies are available and as per the records as to how many cases are required for consideration for promotion to the post of Lecturer in English.

Merely because a subsequent letter fixed a particular cut off date of regularization for consideration and does not provide for the cut off date of having passed the Post Graduate qualification, cannot be said to be arbitrary or illegal especially when for promotion to the post of Lecturer, Post Graduate qualification with 50% marks is the statutory requirement.

Obviously, the candidates, who fulfil the said requirement as mandated and provided for under the Statute, will be considered for promotion.

Finding no merit in the present writ petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH) February 24, 2014 JUDGE Prerna datta pj
2014.02.25 11:12 I attest to the accuracy and integrity of this document High
Court, Chandigarh

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