

4025/21004
07/10/16

**DIRECTOR ELEMENTARY EDUCATION HARYANA PANCHKULA
ORDER**

Order No. 17/107-2016 HRM-II (2)

Dated: 07.10.2016

Whereas, Sh. Sartaj Singh Dhanda filed CWP No. 4301 of 2013 titled as Sartaj Singh Dhanda & Others Versus State of Haryana & Others for quashing the order dated 20.02.2013 to the extent of C&V Sanskrit Cadre whereby the private respondents have been promoted to the post of Elementary School Head Master, whereas they are not fulfilling the requisite conditions as prescribed under the Rules. The said CWP has been decided by the Hon'ble High Court along with other writ petitions vide judgment dated 22.12.2015. The operative part of the judgment is reproduced below:-

The process is stated to be initiated by issuing of an advertisement or by inviting applications. In the present case, a letter was issued to all the Heads of the Departments to send the names of the persons fulfilling the requisite qualification/experience but the private respondents were promoted under the unamended Rules of 1998, whereas, amended Rules of 2012 came into existence w.e.f. 11.04.2012, meaning thereby, the process of promotion was initiated after coming into existence of the amended Rules of 2012 but the promotions were made under the unamended Rules. Moreover, the promotions were subject to decision of the writ petition.

In view of the facts as well as law position as discussed above, the present petitions deserve to be allowed and the impugned orders dated 20.02.2013 (in CWP No.4301, 23444, 8184, 8105, 6134 and 10223 of 2013,), 28.01.2014 (in CWP No.2884 and 2872 of 2014), 10.02.2014 (in CWP No.10922 and 12949 of 2014) are hereby quashed. A direction is also issued to the official

respondents to consider the candidatures of all eligible candidates, who fulfil the requisite qualifications/experience as per amended Rules of 2012 within a period of three months from the date of receipt of certified copy of this order and pass necessary orders accordingly.

The promotion orders No. 15/66-2010 HRM-II (1) dated 20.02.2013 and 28.01.2014 were quashed by the Hon'ble High Court vide order dated 22.12.2015.

In compliance of the order dated 22.12.2015 of the Hon'ble High Court all the candidates, who were promoted vide order dated 20.02.2013 and 28.01.2014 were reverted vide order dated 01.07.2016 by the undersigned.

Now Dalbir Singh & Others had filed a CWP No. 14580/2016 in the Hon'ble High Court for quashing the action of the respondents to revert the petitioner illegally from the post of Elementary School Head Master to Master/C&V, wherever, they are eligible for the promotion to the post of Elementary School Head Master.

The petitioners have further submitted that the action of reversion of the petitioners from the post of Elementary School Head Master ostensibly based towards compliance of the judgment dated 22.12.2015 passed by the Coordinate Bench of Hon'ble High Court in CWP No. 4301 of 2013 titled as Sartaj Singh Danda & Others Versus State of Haryana & Others on the ground that the petitioners being eligible for promotion even under the Haryana School Education (Group 'C') State Cadre Service Rules, 2012 (hereinafter referred to as 'the 2012 Rules') has been completely overlooked while passing the orders of reversion

In the light of such categoric stand taken on behalf of the State, the instant petition has been disposed of in terms of setting aside the

order dated 01.07.2016 at Annexure P-5 in terms of which the petitioners have been reverted from the post of Elementary School Head Master. The petition was disposed of on 10.08.2016

In LPA No. 1480-81 & 83 of 2016 titled as Satyapal & Others Versus State of Haryana & Others (DB) along with LPA No. 1208 of 2016, the Hon'ble High Court has passed the interim order dated 19.08.2016 that if the appellants have been reverted meanwhile, operation of their reversion order shall remain stayed and they shall be allowed to continue on promotional post i.e. Elementary School Head Master.

In CWP No. 13439 of 2016 titled as Dilbag Singh & Others Versus State of Haryana & Others, the Hon'ble High Court vide its order dated 29.08.2016 has also disposed of the bunch of writ petitions with the direction that the directions issued in the Dalbir Singh's case will be read as directions in this bunch of cases as well.

In compliance of the above mentioned orders of the Hon'ble High Court the reversion orders dated 01.07.2016 passed by the undersigned from the post of Elementary School Head Master to the Masters/C&V are withdrawn and they are promoted as Elementary School Head Master and posted at the same station from where they were demoted till the further order of the Hon'ble High Court.

I order accordingly.



(R.S. Kharb)

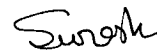
**Director Elementary Education,
Haryana Panchkula**

Endst. No. Even17/107-2016 HRM-II (2)

Dated; Panchkula 07.10.2016

A copy is forwarded to the following for information and necessary action:-

1. All District Education, Officer.
2. All District Elementary Education, Officer.
3. Director SCERT Haryana, Gurgaon.
4. Director School Education, U.T. Chandigarh.
5. Superintendent HRG-II, Secondary Education.
6. T.O. IT Cell.



**Administrative Officer
for Director Elementary Education,
Haryana Panchkula**

