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**OFFICE OF THE DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA**

Order No. 11/11-2021TGT R&A(3)

Dated, Panchkula, the 16.08.2021

Consequent upon the acceptance of the voluntary retirement notice dated 28.12.2020 tendered by Smt. Seema Kumari (ID 006766), Math Mistress, GSSS Pahaladgarh (Bhiwani) for voluntary retirement in view of the provisions provided in rule 146 (3) read with rule 150 of Haryana Civil Services (General) Rules, 2016, is hereby allowed to retire voluntarily w.e.f. 31.03.2021.

**MUKESH KUMAR
ADDITIONAL DIRECTOR ADMINISTRATION
O/o DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA**

ENDST. NO. EVEN

DATED, PANCHKULA, 19.8.2021

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

Regd:

1. Accountant General (A&E) Haryana, Chandigarh
2. District Elementary Education Officer, Bhiwani w.r.t. his memo no. E-2-2021/6625 dated 21.01.2021. The service book of the official is returned herewith.
3. Principal/ Headmaster, GSSS Pahaladgarh (Bhiwani).
4. Smt. Seema Kumari (ID 006766), Math Mistress, GSSS Pahaladgarh (Bhiwani).
5. I.T Cell

Superintendent TGT R&A
**Superintendent TGT R&A
For Director Elementary Education,
Haryana, Panchkula**

**Directorate of Elementary Education Haryana, Shiksha Sadan, Sector 5,
Panchkula**

Order No. 17/29-2014 HRM-III (2)

Dated Panchkula the, 17.08.2021

Whereas Mahesh Kumar approached the Hon'ble Punjab & Haryana High Court by way of filing a Civil Writ Petition i.e. CWP No.9187/2013- Mahesh Kumar V/s State of Haryana & others praying therein for issuance of writ in the nature of mandamus directing the respondents to provide 3% reservation to handicapped teachers in promotion from SS Master to Elementary School Head Masters. It is further prayed that during the pendency of the present writ petition petitioner may kindly be promoted or in alternate I seat may kindly be kept reserved for the petitioner.

The said petition came up for hearing before the Hon'ble High Court on 15.05.2017 and was disposed off with the following directions:-

"By this petition the petitioner has prayed for issuance of directions to respondents to provide 3% reservation to handicapped teachers in promotion from S.S.Master to Elementary School Head Master. On the last date the following order was passed:

"Counsel for the petitioner states that she has been informed that the government has allowed reservation to be made for persons with disabilities in promotion posts also.

Learned AAG Haryana seeks a short adjournment to verify this fact.

Adjourned to 15.5.2017."

Today Assistant Advocate General has placed on record copy of notification dated 17/19 April 2017, the same is taken on record and marked as Mark 'A'. As per this notification, the Government has decided to reserve 3% posts for promotion to Groups A, B, C and D with effect from the date person with disability Act came into force, those posts which have been identified the persons with disabilities as per notification of the Government of India dated 29.7.2013. Copy of this notification is taken on record and has been marked as Mark 'A'.

Learned counsel for the petitioner states that in view of this notification the present petition has become infructuous and the only prayer which is left is that State should consider the claim of the petitioner within any reasonable time.

I find this to be a fair request. Consequently, present petition stands disposed of as having become infructuous with a direction to respondent No.2 to consider the claim of the petitioner in view of the notification Mark 'A' within a period of 6 months from the date of receipt of a certified copy of this order. In case the petitioner is found to entitled any relief the same be granted to him within aforesaid period.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of."

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In compliance of this order, the matter has been perused in detail. After due consideration, it has been found that some identical handicapped teachers have also filed a writ petition claiming the promotion to the post of Elementary School Head Master. In pursuance of judgment dated 15.05.2017, the case of the claimant has been examined and it has been found that the claimant is 70% physically handicapped and was initially appointed on the basis of handicapped against the post reserved for handicapped. The claimant has claimed promotion in reservation on seat reserved for handicapped employee to provide 3% reservation in case of promotion to post of Elementary School Headmaster under the Haryana School Education (Group C) State Cadre Service Rules-2012. Thereafter, a speaking order was prepared on the basis of provisional seniority list prepared on 12.12.2019 and the same was uploaded on the web-site of the department on 17.12.2019. Further, it was also ensured that the case of the claimant for promotion to the post of ESHM under physically handicapped category will be considered on the basis of seniority No. as

stood in the final seniority list dated 16.01.2020. The petitioner is stood at seniority No. 57 in the seniority list dated 12.12.2019.

It is worthwhile to mention here that the promotion cases (PH) on the post of ESHM were called on 14.12.2020 and 21.01.2021 but the promotion case of the claimant has not been received till today in the branch. The reminder was sent to the DEEO Palwal and DEO Palwal for sending the promotion case of Sh. Mahesh Kumar to the post of ESHM in compliance of present writ petition on 07.07.2021. The information received from concerned DEO Palwal vide letter No.E-1/21/996 dated 12.07.2021 vide which the claimant has given an undertaking that his promotion case for the post of ESHM need not be sent for consideration as it will be amount to his demotion, since, he is already working as PGT since 24.04.2017 vide order No. 15/13-2017 PGT-II (3). The claimant was directly promoted on the post of PGT from TGT/Master Social Studies that such promotion is much beneficial to the claimant then the promotion on the post of ESHM in physical handicapped category reason being the post of Elementary School Head Master came in existence in 11.04.2012. Now, the claimant wants promotion on the post of Principal from the post of PGT.

Now considering the matter from all corners, I found that no grievances of the claimant have been left as he sent his promotion case from PGT to the post of Principal. Hence, the claim of claimant has been satisfied.

Order accordingly.

9/17/8/21

(Anshaj Singh),
Director Elementary Education,
Haryana Panchkula.

Regd.

To


Sh. Mahesh Kumar S/o. Sh. Mukhtiar Singh (PGT/Lec. English), R/o VPO Likhi, Near Hanuman Mandir, Teh. Palwal, Distt. Palwal.

Endst. No.: Even

Dated Panchkula the, 19.08.2021

A copy of this order is forwarded to following for information and necessary action:

1. District Elementary Education Officer, Palwal.
2. Sh. Umesh Narang, Bar Room No. 16, Advocate, Bar Complex, Punjab & Haryana High Court, Chandigarh.
3. IT Cell. To upload the Order on website.


Superintendent ESHM
for Director Elementary Education,
Haryana, Panchkula

It is pertinent to mention here that the information received from DEEO Mewat vide letter No.E-1/21/1412 dated 12.07.2021 was that the claimant is an employee of rest of Haryana cadre and not an employee of Mewat cadre. The seniority No. of the claimant is 2434 as per appointment of the claimant as SS Master on 31.12.1999. As per combined seniority list of TGT/Master cadre as on 01.01.2017, the claimant is at seniority No.6536 in General category. The answering respondent department has made promotion on the post of Elementary School Head Master from the TGT/Master cadre upto seniority No.4500 in General category in Rest of Haryana Cadre and cases for promotion on the post of Elementary School Head Master were called from all DEEO upto seniority no. 6000 as on 01.01.2017 in Rest of Haryana Cadre. At this juncture without commenting on the merit it is stated that the case of claimant will be considered on merits when his turn will come according the seniority No. as per 01.01.2017.

In the reference to the prayer clause in the instant writ petition the claimant has contended that his juniors/colleagues were promoted vide order dated 26.04.2021 (Annexure P-10) on the post of ESHM by wrongly filling up the post belonging to Nuh District (Mewat Region) with Masters/TGTs of Rest of Haryana Cadre. It is pertinent to mention that the employees belonging to Masters/TGTs of Rest of Haryana Cadre were promoted to the post of ESHM and appointed at Nuh (Mewat) for the welfare of student of district Nuh (Mewat) as number of teachers is not sufficient at Nuh (Mewat).

It is also pertinent to mention here that the answering department has not made any promotion on the post of Elementary School Head Master in Mewat cadre till today due to the TGTs/Master of Mewat Cadre not having sufficient experience for promotion on the post of ESHM. The Elementary School Head Masters working at Nuh Mewat are employee of Rest of Haryana Cadre as per the information received from DEEO Nuh, Mewat. Hence, the claim of the claimant will be considered on his turn at seniority No.6536 in General category as per seniority list as on 01.01.2017.

Now, considering the matter from all corner I found that the claim of the claimant is not maintainable at this stage. Hence, the claim of the claimant hereby denied/Rejected.

Order accordingly.

9/17/21

(Anshaj Singh),
Director Elementary Education,
Haryana, Panchkula.

Regd.

To


Sh. Imrat Khan (ID No. 014652), TGT (SS), S/o. M. Hussain Khan, R/o House No. 935, Bisru Road, Punhana, Distt. Nuh.

Endst. No.: Even

Dated Panchkula the, 23.08.2021

A copy of this order is forwarded to following for information and necessary action:

1. District Elementary Education Officer, Nuh
2. Principal, GMS Fardari (6126), Block Punhana, Distt. Nuh.
3. Mr. Kamal Goyal, Advocate, Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.


Deputy Director ESHM
for Director Elementary Education,
Haryana, Panchkula