

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 12/06-2021 A&G (3)

Dated Panchkula, the 24.08.2021

As per provision contained in Haryana Govt. Finance Department's letter No. 1/83/2008/1 PR (FD), dated 07.01.2009 forwarding therewith notification dated 31.12.2008 and modify dated 04-03-2014 for implementation of Haryana Civil Services (Revised Pay) Rules, 2008 & 2016 and 7(1), 7 (3) & 13 Haryana Civil Services (ACP) Rules, 2008 the following employees are hereby granted ACP in the grade as mentioned against their names, 'Subject to verification of entries made in the service book, grading of ACRs & certification of No pending enquiry/Proceedings against the official and on completion of their satisfactory service.

Sr. No.	Name Designation and Place of posting	ACP Stage 1,2,3	Revised ACP Rules as per HCS Rules 2016	Due Date	Completion 8/16/24Years
1.	Smt. Sonia, TGT English, GMS Bazidpur, Kurukshetra	2 nd	ACPL-11	01.08.2020	16 years as JBT

Mukesh Kumar, HCS
Additional Director Admn.
O/o Director Elementary Education
Haryana, Panchkula

Endst No. Even

Dated Panchkula, the 30-9-2021

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

1. The Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Kurukshetra w.r.t. his Memo No. E-3/2020/983 dated 08.12.2020. Service Book and Personal file of the employee is hereby returned with for further necessary action. It is also directed that DEEO concerned may ensure that the official fulfill the condition as per Rule 8 of HCS (ACP) Rules 2016 and all facts and figures are checked up at the time of pay fixation of the official concerned.
3. Principal/Headmaster, GMS Bazidpur, Kurukshetra.
4. Smt. Sonia, TGT English, GMS Bazidpur, Kurukshetra.
5. Treasury/Sub-Treasury Kurukshetra.
6. I.T. Cell.

Regd
Ashok Kumar
24.9.2021
Superintendent TGT ACP & Guest
for Director Elementary Education
Haryana, Panchkula *du*

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

Order No. 17/27-2021 ESHM (1)

Dated Panchkula the, 23-9-2021

Whereas Sh. Shamsher Singh approached the Hon'ble Punjab & Haryana High Court by way of filing a Civil Writ Petition i.e. CWP No.14730/2021- Shamsher Singh V/s State of Haryana & Others praying therein for issuance of a writ in the nature of mandamus directing the Respondent to promote the petitioner to the post of ESHM in HES-III (School Cadre) and fix his seniority above the juniors from 01.04.2016 and allow him to participate in transfer drive after promoting him as Elementary School Head Master. Further prayed to decide the presentation dated 06.02.2021 (Annexure P-2) by a reasoned speaking order within a short given time.

The said petition came up for hearing before the Hon'ble High Court on 05.08.2021 and the following order was passed :-

"By filing the present civil writ petition under Articles 226/227 of the Constitution of India, petitioner seeks direction of promotion to the post of Elementary School Head Master and fix his seniority above his juniors from 01.04.2016. The petitioner is a regular Sanskrit Teacher and it is contended that as per Rule 9(a) (iii) of the Haryana School Education (Group C) State Cadre Service Rules, 2012, there is reservation of 7% promotion for Sanskrit Teachers.

Counsel for the petitioner submits that a representation dated 06.02.2021 (Annexure P-2) had already been moved in which all the details as such have been given and submits that he would be satisfied in case the said representation is decided in a time bound manner.

Ms. Kirti Singh, D.A.G. Haryana accepts notice on behalf of respondents.

Keeping in view the fact that decision making process is still incomplete, this Court is of the considered opinion that there is no requirement for receiving reply on behalf of respondents, which will only cause delay in the process.

Without commenting on the entitlement or the right of the petitioner, this petition is disposed of with direction to respondent No.2 to decide the representation (Annexure P-2) within a period of three months on receipt of the certified copy of this order.

In case, the relief is not liable to be granted on account of any legal impediment, a reasoned order be passed and communicated to the petitioner. In case of the benefit being granted, the necessary effect be given immediately."

That, after receiving the said court direction from the Hon'ble High Court, the matter of the claimant i.e. Sh. Shamsher Singh has been examined carefully and in the compliance of direction issued by the Hon'ble High Court, the representation dated 06.02.2021 (Annexure P-2) has been examined and it has been found that initially the claimant i.e. Sh. Shamsher Singh was appointed as JBT on 16.11.1995. Thereafter, the claimant i.e. Sh. Shamsher Singh was promoted as Sanskrit Teacher vide order No. E-2-03/1395-1399 dated 22.12.2003. He has passed B.A. with 60% in 1984 from KUK and B.Ed. with 50.89% in 1987 from MDU, Rohtak.

It is pertinent to mention here that as per Haryana Civil Services Rules, 2012, Appendix-B (Rule-7) the qualification for the promotion to the post of ESHM is as under :

Sr. No.	Designation of Posts	Academic qualifications and experience, if any, for direct recruitment on contract basis	Academic qualification and experience, if any, for appointment other than by direct recruitment on contract basis
1	2	3	4
1	Elementary School Head Master		<p>By promotion:-</p> <p>(i) B.A./B.Sc. and 2-year Diploma in Elementary Education ; OR B.A./B.Sc. with at least 50% marks and 1-year Bachelor in Education (B.Ed.); OR B.A./B.Sc. with at least 45% marks and 1-year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard; OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B. El. Ed.); OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year B.A. Ed.; OR B.A./B.Sc. with at least 50% marks and 1-year B.Ed. (Special Education);</p> <p>(ii) 5 years experience in regular capacity as Hindi/Sanskrit/Punjabi Teacher/ TGT,</p> <p>(iii) Atleast 3 weeks in-service training in administrative and accounts module.</p>

It is pertinent to mention here that prior the seniority list of C&V Sanskrit teachers dated 15.01.2019, the promotion case of Sanskrit Teachers on the post of Elementary School Head Master were considered on the basis of date of appointment of Sanskrit teachers. It is also worthwhile to mention here that all the promotions of Sanskrit Teachers were made in the compliance of court direction and pending writ petitions.

After examining the entire record, it has been found that the claimant i.e. Sh. Shamsheer Singh is at seniority No. 2168 as per seniority list of C&V Sanskrit Cadre 2019. It is worthwhile to mention here that total sanction post of ESHM from C&V Sanskrit Teacher (by promotion) is 395. It is also pertinent to mention here that junior Sanskrit Teachers who claimed promotion were promoted vide order No.17-178-2016 HRM-II (2) dated 04.09.2017 in the court cases. It is also submitted that separately no promotion cases were invited and as well as no promotion to the post of Elementary School Head Master from C&V Sanskrit cadre has been made by the department till today.

That due to the aforesaid order dated 04.09.2017 number of Sanskrit Teachers were promoted on the post of Elementary School Head Master whereas the total sanctioned post of Sanskrit Teacher is only 395 and number of petitions are pending before the Hon'ble High Court in which the employees have claimed for promotion from the Sanskrit Teacher on the post of ESHM.

The matter regarding the promotion of Sanskrit Teachers on the post of ESHM was discussed with the competent authority in the Contempt Petition No. 1323 of 2021 titles as Harpal Singh and another Vs. Anshaj Singh, IAS in CWP 21777 of 2020 titled as Harpal Singh and

another Vs. State of Haryana & others. It has been decided to call the promotion case as per seniority list within one month and the promotion case will be considered of those employees who are eligible as per seniority list dated 15.01.2019. Further, it has also been decided that the employees who are promoted in Sartaj Singh Dhanda and any other CWPs on the basis of date of appointment to be reverted if they do not fall under the seniority list dated 15.01.2019.

It is pertinent to mention here that the employees who were promoted on the basis of date of appointment, all such promotions were subject to review/cancellation in case of any discrepancy regarding eligibility/seniority is found as well as subject to the condition that no prejudice to the right of the seniors, if any whose promotion case may be decided at later stage. The department will issue show cause notice for reversion to all such employees who are not falling in the seniority list dated 15.01.2019 as per the sanction post and available vacancy. The promotion case of such employees in pending writ petition would be consider on the basis of requisite qualification as per Service Rules, 2012 and as per seniority list dated 15.01.2019 as well as vacancy seat available. The promotion cases of such eligible Sanskrit Teachers upto seniority No. 1300 have already been called from all DEEOs.

In the context explained above, the case of the claimant i.e. Sh. Shamsher Singh in the instant writ petition has been examined and it has been found that the claimant i.e. Sh. Shamsher Singh is at seniority No. 2168 in the seniority list dated 15.01.2019. The claimant i.e. Sh. Shamsher Singh is not eligible for promotion as per his seniority as no vacancy is available in respect to the seniority number of the claimant. The promotion case of the claimant i.e. Sh. Shamsher Singh will be considered at his turn as per his seniority and Service Rules, 2012.

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.

9/23/21
(Anshaj Singh),
Director Elementary Education,
Haryana, Panchkula.

Regd.
To


Sh. Shamsher Singh (ID No. 061987), Sanskrit Teacher, S/o. Sh. Bharat Singh, R/o Village Sarangpur, Tehsil and District Charkhi Dadri, posted at GHS Dhana Ladanpur (608), Distt. Bhiwani.

Endst. No.: Even

Dated Panchkula the, 28-9-21

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

1. District Elementary Education Officer, Bhiwani
2. Principal, GHS Dhana Ladanpur (608), Distt. Bhiwani
3. Mr. V.P. Sangwan, Advocate, Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.


Superintendent ESHM
for Director Elementary Education,
Haryana, Panchkula