

DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 17/5-2021 HRM-III/ESHM (1)

Dated Panchkula the, 14.10.2021

Whereas, the present CWP No. 837 of 2021 titled as Shriram Sharma & Others V/s State of Haryana & Others was filed by the petitioners praying therein for directing the Respondent to promote them to the post of ESHM from the date his juniors have been promoted w.e.f. 04.09.2017 and to grant all consequential benefits with arrear with 80% interest per annum from due date till date of actual payment in the light of the judgment passed by this Hon'ble Court in Bahadur Singh V/s State of Haryana in 2008 (3) SCT 836 (Annexure P-1). Further prayed to decide the representation dated 15.11.2020 (Annexure P-6) in a time bound manner.

The said petition came up for hearing before the Hon'ble High Court on 19.07.2021 and the following order was passed.

"Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents to consider the petitioners for promotion from the post of Sanskrit Teachers to the post of Elementary School Head Master from the date their juniors have been promoted i.e. with effect from 04.09.2017.

Counsel for the petitioners submits that vide communication dated 19.03.2021, after filing of the writ petition respondent No.2 has called for the record of the petitioners with all educational qualifications and the petitioners would be satisfied if their representation (Annexure P-6) be decided in a time bound manner.

Notice of motion.

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

Keeping in view the limited relief claimed by learned counsel for the petitioners, without commenting on the merits or the rights of the petitioners and in view of the communication dated 19.03.2021 placed on record, which shows that respondent No.2, while referring to the pendency of the present petition, has called for the record of the petitioners. The present writ petition is accordingly disposed of with direction to respondent No.2 to decide the representation of the petitioners within two months from the date of receipt of the certified copy of this order.

In case, the relief is to be declined to the petitioners, a reasoned order be passed and communicated to them".

In compliance of the direction issued by the Hon'ble High Court, the representation dated 15.11.2020 (Annexure P-6) of the claimants has been examined in depth and the detail of all the claimants alongwith their respective seniority is as under :-

Sr. No.	Name & Employee ID and Designation	Current place of posting	Qualification	Date of joining	Seniority No.
1.	Shriram Sharma (ID No. 031745), Sanskrit Teacher	GMS Gharola, Ladwa (6185) Distt. Kurukshetra	B.A. (62.1%) in 2008 Shastri/O.T.	25.03.2000	1547
2.	Sh. Narender Kumar (ID No. 044456) Sanskrit Teacher	GGSSS Bhuna, Fatiahabad (3268) Distt Fatehabad	B.A. (50%) in 1999 Shastri/O.T.	23.10.2000	1715

3.	Sh. Sukhdev Singh (ID No. 031691) Sanskrit Teacher	GMS Kishangarh Thaneswar (6472) Distt. Kurukshetra	B.A. (52.66%) in 2005 Shastri/O.T.	14.05.1998	1190
4.	Sh. Pawan Kumar (ID No. 031683) Sanskrit Teacher	GMS Bodhi, Thanesar (6398) Distt. Kurukshetra	B.A. (59%) in 2007 Shastri/O.T.	30.04.1998	900

After examining the entire record, it has been found that all the claimants are not having B.Ed. as per Haryana School Education (Group C) State Cadre Service Rules, 2012. 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 regular appointees as Sanskrit Teachers upto dated 08.06.2007 have claimed their promotion vide order dated 04.09.2017 in the court cases. It is also submitted that separately no promotion cases were invited and separately 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.

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;</p> <p>OR</p> <p>Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor in Elementary Education (B. El. Ed.);</p> <p>OR</p> <p>Senior Secondary (or its equivalent) with at least 50% marks and 4 year B.A. Ed.;</p> <p>OR</p> <p>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 the claimants do not have B.Ed. which is one of the requisite qualifications mandatory for promotions to the post of ESHM that the claimants are Shiksha Shastri (O.T.) which is not mentioned in above Service Rules, 2012 as a qualification.

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. The competent authority has directed to call the all promotion cases of Sanskrit Teachers as per seniority list within one month and the promotion cases will be considered of those Sanskrit Teachers who are eligible as per seniority list dated 15.01.2019. Further, the competent authority also directed 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 show cause notice for reversion will be issued 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 claimants in pending writ petitions would be consider on the basis of requisite qualification as per Service Rule, 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 claimants in the instant writ petition has been examined and it has been found that the claimants are not eligible for promotion as per Service Rules, 2012 as not having essential qualification for promotion. On the basis of present circumstances, the claim of the claimants have been rejected as per their respective seniority in the seniority list dated 15.01.2019 in above terms.

I order accordingly.

14/10/21

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

Regd.

To

1. Sh. Shriram Sharma [031745], TGT Sanskrit, aged about 51 years, S/o. Ram Chander, posted at GMS Gharola, Ladwa (6185) Distt. Kurukshetra. resident of House No 489 Mohan Nagar Distt. Kurukshetra.
2. Sh. Narender Kumar [044456], TGT Sanskrit, aged about 50 years, S/o. Richhpal Sharma, posted at GGSSS Bhuna, Fatiahabad (3268) Distt Fatehabad. Resident of village Mochiwali PO Chobana, Bhuna, Distt. Fatehabad.


3. Sh. Sukhdev Singh [031691], TGT Sanskrit, aged about 50 years, S/o. Nathi Ram, posted at GMS Kishangarh Thaneswar (6472) Distt. Kurukshetra. Resident of H.No. 1530 Sector -3, Distt. Kurukshetra.
4. Sh. Pawan Kumar [031683], TGT Sanskrit, aged about 52 years, S/o. Satpal, posted at GMS Bodhi, Thanesar (6398) Distt. Kurukshetra. Resident of H.No. 1954 Sector-5 Distt. Kurukshetra.

Endst. No.: Even

Dated Panchkula the, 28.10.2021

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

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Kurukshetra & Fatehabad.
3. Sh. Ashutosh Kaushik, Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.


Superintendent ESHM
Directorate of Elementary Education
Haryana, Panchkula 28.09.2021

DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 17/32-2021 ESHM (2)

Dated Panchkula the, 2-11-2021

Whereas, the present CWP No. 16272 of 2021 Hans Raj Vs. State of Haryana & Others for quashing the action of respondent, whereby petitioner is not awarded 5 points under the head of Well Performing Teacher despite the fact petitioner result performance in last board exam is 100% (Annexure P-3), being illegal, arbitrary and as well as in under violation of the Transfer Policy dated 01.06.2017 (Annexure P-2). Further, prayed to award 5 points under the head of Well Performance Teacher as per Clause 7 (b) (9) of Transfer Policy and considering the request of the petitioner at Sugam Sampark by Ticket number 034268-F1C48 dated 18.08.2021, in the interest of justice.

The said petition came up for hearing before the Hon'ble High Court on 23.08.2021 and the following direction was issued:-

"By filing the present civil writ petition under Articles 226/227 of the Constitution of India, petitioner seeks the relief of grant of 5 points under the head of Well Performing Teachers which has not been granted despite the fact that for the year 2014-15, 100% students were pass in the board exam. He has thus been granted no marks while considering the Teachers Transfer Policy, which is underway. Reliance has been placed upon Annexure P-3 and P-4 in this context.

Counsel for the petitioner submits that a representation (Annexure P-6) has also been made to respondent No.2 regarding this aspect and he would be satisfied if the same is decided before the transfer proceedings are finalised.

Notice of motion.

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

Keeping in view the urgency involved in the matter, this Court does not feel it necessary to call for the reply of the respondents and a direction is given to respondent No.2 to take into consideration the representation (Annexure P-6) of the petitioner. The benefit of the said marks and to rectify the issue on the Management Information System portal be granted accordingly to the petitioner, in case there is no legal impediment.

Needful be done within a week from today.

In case, there is any legal impediment, a reasoned order be passed within a week and communicated to the petitioner.

Writ petition stands disposed of accordingly".

In the compliance of above said direction, the case of the claimant i.e. Sh. Hans Raj has been examined carefully and it has been found that the claimant has claimed for 5 points under the head of Well Performance Teacher as per Clause 7 (b) (9) of Transfer Policy for good result in last board examination of academic year 2014-15.

It is pertinent to mention here that the claimant was promoted on the post of Elementary School Head Master vide order dated 14.08.2020 and he is working as Elementary School Head Master at Government Middle School Dhakia, Rewari (5466) [Zone 7] since 20.08.2020 with condition to participate in upcoming transfer drive. Hence, it is mandatory for the claimant to participate in next General Transfer Drive for his permanent posting as per Transfer Policy.

It is worthwhile to mention here that a interpretation of clauses of Teacher Transfer Policy 2016 approved by W/ACSSE dated 16.07.2021, to avoid any grievance amongst teachers due to non-conducting of Board exams in the year 2021, the teachers will be entitled to the points on the basis of latest results of board classes taught by him out of the previous five academic sessions only (2015-16 to 2019-20) provided the result is updated and approved by the Competent Authority on personal profile of the employee on MIS portal. Hence, claimant is not eligible for awarding 5 points under the head of well performance teacher as per Clause 7 (b) (9) of Transfer Policy for good result in last board examination i.e. session 2013-14 and 2014-15. In year (2014-15) the claimant was assigned board class i.e. 10th class and thereafter he was never ever awarded board class in entire tenure. The teacher is entitled for 5 point under the head of well performance for good result in last 5 academic sessions only whereas the claimant is claiming for 5 points for session 2014-15 for good result in 6 years ago academic sessions which cannot be considered as per the policy and that will not make eligible to the claimant for benefit of 5 point.

In the context explained above, the case of the claimant in the representation (Annexure P-6) dated 18.08.2021 has been examined and it has been found that the claimant is not eligible for 5 points under the head of well performance teacher as per Clause 7 (b) (9) of Transfer Policy for good result in last board examination i.e. session 2013-14 and 2014-15. On the basis of present circumstances, the claim of the claimant has been rejected in above terms.

I order accordingly.

9/21/21

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

Regd.

To

1. Sh. Hans Raj [034268], ESHM, aged about 49 years, S/o. Sh. Guru Datt, posted at Government Middle School Dhakia, District Rewari, resident of House No 727, Sector 4, HUDA, Rewari. Haryana.

Endst. No.: Even

Dated Panchkula the, 8-11-21

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

1. The Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Rewari.
3. Sh. Sanchit Punia, Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.

W. Chauhan
Superintendent ESHM
for Director Elementary Education
Haryana, Panchkula 13.09.2021



GOVERNMENT OF HARYANA / हरियाणा सरकार
Directorate Elementary Education
मौलिक शिक्षा निदेशालय

शिक्षा, संस्कृति एवं विकास
 Education, Culture and Development

School Education, Haryana
 विद्यालय शिक्षा, हरियाणा

तमसो मा ज्योतिर्गमय
 Lead me from Darkness to Light

E-mail: eduprimaryhry@gmail.com - Site: www.harprathmik.gov.in

Regd.

To

The District Elementary Education Officer,
 Kaithal.

Memo No. 7/45-2021 D&L (1)
 Dated, Panchkula the 03.11.2021.

Subject:- Permission to go abroad:- Smt. Indravati (029994), PTI, GSSS Kharodi, Kaithal.

Kindly refer your office memo No. E-2-2021/3703 dated 26.10.2021 on the subject cited above.

Permission is hereby granted to visit **Mrs. Manjeet House no. 206 Albert Road, Handsworth, Birmingham West, Midlands, B219JT, United Kingdom from 06.11.2021 to 20.12.2021** on following terms and conditions:-

1. He/She will proceed on his/her visit to **Mrs. Manjeet House no. 206 Albert Road, Handsworth, Birmingham West, Midlands, B219JT, United Kingdom from 06.11.2021 to 20.12.2021** after getting the leave sanctioned from the competent authority and will not get the leave extended while being abroad.
2. He/She will hand over his/her charge to the senior most teacher as the case may be before proceeding on leave.
3. He/she will bear all the expenses on the said tour from his/her own pocket and the State would not bear any expense incurred by him/her.
4. He/she will not accept any assignment by any Govt. or the NGO or anybody while on foreign visit.
5. He/She will not be doing any such activity which may be detrimental to the bilateral relations of India with the said country (s) being visited by him/her.
6. He/She will not be doing anything, which may be termed as detrimental to the sovereignty of India.
7. He/She will not be inviting any liability during his/her stay at abroad which may result into losses to Govt. in any matter.

Sd/-
Superintendent D&L
 for Director Elementary Education,
 Haryana, Panchkula

Endst No. Even

Dated, Panchkula, the 03.11.2021

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

1. Head Master/Mistress, GSSS Kharodi, Distt. Kaithal.
2. **Smt. Indravati (029994), PTI, GSSS Kharodi, Kaithal.**
3. IT Cell (H.Q.).

[Signature]
Superintendent D&L
 for Director Elementary Education,
 Haryana, Panchkula