

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA**

Order No. 17/7-2019 HRM-III/ESHM (2)

Dated Panchkula the, 10-1-23

Whereas, the present CWP No. 298 of 2019 titled as Surender Kumar Khola V/s State of Haryana & Another was filed by the petitioner praying therein for issuance of a writ in the nature of Certiorari for quashing the impugned action of the respondents for not considering the case of the petitioner for promotion to the post of Elementary School Head Master w.e.f. 26.03.2014, when his juniors were promoted, being contrary to the provisions of Rule 9 of the Haryana School Education (Group-C) State Cadre service Rules, 2012. And further prayed for issuance a writ in the nature of Mandamus directing the respondents to consider the case of petitioner for promotion to the post of Elementary School Head Master w.e.f. 26.03.2014 i.e. the date when his juniors have been promoted and grant him promotion as Elementary School Head Master w.e.f. 26.03.2014, with all consequential benefits i.e. seniority, fixation of pay, difference of arrears of salary along with interest @ 12% per annum from due date till its realization or to issue any other appropriate writ, orders or directions as this Hon'ble High Court may deem fit and proper in the peculiar facts and circumstances of this case.

The said petition came up for hearing before the Hon'ble High Court on 13.09.2022 and the following order was passed.

*"Learned counsel for the petitioner submits that petitioner was entitled for promotion as Elementary School Head Master w.e.f. 26.03.2014 when his juniors were promoted but the petitioner has not been granted the said benefit only on the ground that he is not eligible under the qualification as prescribed under Haryana Civil Services (Group-C) State Cadre Service Rules, 2012. Learned counsel for the petitioner submits that while taking the said stand, the respondents have completely ignored the guidelines which have been issued by the National Council for Teachers Education issued vide Notification dated 23.08.2010, which completely covers the case of the petitioner hence, the petitioner intends to approach the respondents for redressal of his grievance and only prayer of the petitioner is that the respondents should consider his claim with open mind and decide the same in a time bound manner.*

*Learned counsel for the respondents submits that in case any grievance is raised by the petitioner, the same will be decided in accordance with law by dealing with all the contentions raised in the representation and the order will be passed within a period of eight weeks of the receipt of such representation.*

*Learned counsel for the petitioner submits that keeping in view the above, the present petition may kindly be disposed of having been not pressed any further with liberty as prayed for.*

*Ordered accordingly."*

In compliance of the direction issued by the Hon'ble High Court, the Representation dated 30.09.2022 of the claimant has been examined in depth and the

detail of the claimant alongwith his respective seniority is as under :-

Sr. No.	Name & Employee ID and Designation	Current place of posting	Qualification	Seniority No.
1.	Surender Kumar Khola (ID No. 065336), Hindi Teacher C&V	Govt. Sr. Sec. School, Nimoth, District Rewari.	B.A. (1993) 525/1200 (43.75%) B.Ed (1996) 419/900 (46.56 %)	1421 as on 30.11.2021 (It is relevant to state here Seniority dated 30.11.2021 has been withdrawn due to some ambiguity vide order No. 3/09-2021 TGT Promotion (3) Dated 20.05.2022.

After examining the entire record, it has been found that the claimant is having B.A./B.Sc & B.Ed. but the claimant has less than 50% marks in B.A/B.Sc., which is not a requisite qualification for promotion on the post of Elementary School Headmaster as per Haryana School Education (Group C) State Cadre Service Rules, 2012.

It is worthwhile to state here that the claimant was at Seniority No. 1421 in final seniority list of C&V Hindi Teachers as on 30.11.2022 (on the basis of Regular date of joining as Hindi Teachers) which has been withdrawn due to some ambiguity vide order No. 3/09-2021 TGT Promotion (3) Dated 20.05.2022.


In the view of above, it is significant/emphatically stated that the claimant does not meet the requirement of qualification i.e. BA/B.Sc with 50% alongwith B.Ed. eligibility mentioned in the rules applicable. For reference and the rules/eligibility criteria applicable for the promotion from TGT/Master cadre to Elementary School Head Master are reproduced below:-

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		<b>By promotion:-</b> (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.);

			<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>
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In the context explained above, the case of the claimant in the instant writ petition has been examined and it has been found that the claimant is 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 claimant has been rejected as per Service Rules, 2012 in above terms.

I order accordingly.

  
**(Mahabir Parsad)**  
**Additional Director Administration,**  
**O/o Director Elementary Education,**  
**Haryana, Panchkula.**

**Regd.**

To


1. Sh. Surender Kumar Khola [65336], Hindi Teacher, aged about 57 years, S/o Sh. Kashi Ram, Hindi Teacher, GSSS Nimoth, District Rewari, and Resident of Vill & Post office Jainabad, District Rewari.

**Endst. No.: Even**

**Dated Panchkula the, 10-2-23**

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/Ravi Verma, <sup>Advocate</sup> Punjab & Haryana High Court, Chandigarh.
4. IT Cell. To upload the Order on website.

  
**Superintendent ESHM**  
**Directorate of Elementary Education**  
**Haryana, Panchkula 2012.2022**