

26/07/23

OFFICE OF DIRECTOR ELEMENTARY EDUCATION HARYANA, PANCHKULA

ORDER

Order No. 08/16-2023 PRT/GUEST

DATED, PANCHKULA THE 10.07.2023

In pursuance of Haryana Civil Services (General) Rules, 2016 Rule 143 (1), sanction is hereby accorded to grant extension of services of Sh. Shakil Akhtar, Head Tacher, Govt. Model Sanskrit School, Kot, Block Hathin, Palwal from age of 58 years to 60 years, (w.e.f. 01.07.2023 to 30.06.2025) on the basis of more than 70% physical handicapped certificate.

(Ashok Kumar Garg, IAS)

**Director Elementary Education,
Haryana, Panchkula**

Endst. No. Even.

Dated, Panchkula, the 20.07.2023

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

1. Principal Accountant General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer, Palwal w.r.t. his memo No. E-1/23/935 dated 08.06.2023 returned herewith original handicapped certificate.
3. Treasury Officer, Palwal.
4. Principal/Head Master, Govt. Model Sanskrit School, Kot, Block Hathin, Palwal.
5. Sh. Shakil Akhtar, Head Tacher, Govt. Model Sanskrit School, Kot, Block Hathin, Palwal.
6. IT Cell. To upload order on website.

Dashrath 21/7/2023
**Superintendent Estt. PRT/Guest
for Director Elementary Education,
Haryana, Panchkula**

**Directorate of Elementary Education Haryana, ShikshaSadan, Sector 5,
Panchkula**

Order No. 17/35-2023 ESHM (1)

Dated Panchkula the, 25-7-23

Whereas Smt. Shailja Yadav Sanskrit Teacher approached the Hon'ble Punjab & Haryana High Court by way of filing a Civil Writ Petition i.e. CWP No.12877 of 2023 -Shailja Yadav V/s State of Haryana & another praying therein for issuance of a writ in the nature 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. 01.12.2016 or from subsequent date, when her 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 directing the respondents to consider the case of petitioner for promotion to the post of Elementary School Head Mistress w.e.f. 01.12.2016 or from subsequent date i.e. the date when her juniors were promoted and grant her all consequential benefits of arrears i.e. seniority, fixation of pay, different of arrears of salary along with interest 12% per annum from date due date till its realization.

That the said petition came up for hearing before the Hon'ble High Court on 02.06.2023 and the Hon'ble High Court was pleased to pass the following order:-

"Notice of motion.

On the asking of this Court, Mr. Sanjeev Kaushik, Addl. AG Haryana, accepts notice on behalf of respondent-State and submits that he has no objection in case, the directions for deciding the legal notice aforesaid, are issued.

In view of the above, without expressing any opinion on the merits of the case, respondent No.2-Director, Elementary Education Haryana is directed to decide the legal notice dated 23.02.2023 (Annexure P-4) by passing a speaking order within a period of 08 weeks from the date of receipt of certified copy of this order, in accordance with law.

Disposed of."

In the compliance of above mentioned direction, the claim of claimant has been examined at length, it is found that the claimant is working as Sanskrit Teachers. The details of academic record and seniority of the claimant is as under:-

Sr. No	Seniority No.	Detail of Petitioner	Qualification	Date of Regular Appointment as Sanskrit Teacher
1.	2530	[65706] Shailja Yadav, TGT Sanskrit, GSSS Beri (3908), Distt. Mahendergarh.	B.A. (50%) B.Ed. (58.5%)	13.10.1996

In view of above, it is submitted that the claimant is working as Sanskrit Teacher with seniority as mentioned above whereas the junior Sanskrit Teachers were promoted in the compliance of direction issued by the Hon'ble High Court and separately no promotion cases were invited and considered for promotion to the post of ESHM from Sanskrit Teacher till today.

It is relevant to state here that a show cause notice was issued to junior (ESHMs) promoted from

Sanskrit Teachers vide order No. 17/4-2022 ESHM (1) Dated 03.03.2023/09.03.2023 by this Department in compliance of Hon'ble High Court orders dated 21.11.2022 in CWP No. 2200 of 2022 namely Shakti Dhar Sharma and others Vs. State of Haryana and others alongwith other similar matters which came up for adjudication before the Hon'ble High Court on 21.11.2022 and same was disposed of with following order:-

"By this common order, the writ petitions, details of which have been given above, are being disposed of as all the writ petitions involve the same question of law on similar facts.

Learned counsel for the petitioners very fairly submits that though a show cause notice has been issued with regard to the reversion from the post of Elementary School Headmaster to that of Sanskrit Teacher but as of now no action has been taken.

Learned counsel for the petitioners submits that only apprehension of the petitioners is that the respondents might not appreciate all the reasons which the petitioners have so as to justify their promotion to the post of Elementary School Headmaster including the fact, which is being raised here that there are certain seniors, who are ineligible to hold the post of Elementary School Headmaster.

Learned counsel for the respondents submits that the said arguments only bring out apprehension and not the fact. Whatever justification the petitioners will raise qua the show cause notice, the same will be considered in accordance with law coupled with the Rules governing the service and then appropriate order on the show cause notice issued to the petitioners, will be passed.

Learned counsel for the petitioners submits that keeping in view the said statement of the counsel for the respondents, the petition be disposed of as having been not pressed any further with liberty to the petitioners to file appropriate reply to the show cause notice, which has been issued to the petitioners proposing the reversion to the post of Sanskrit Teacher.

Ordered accordingly."

In compliance of above said orders of the Hon'ble High Court, the department issued Show Cause Notices vide order No. 17/4-2022 ESHM (1) Dated 03.03.2023/09.03.2023 to 135 Elementary School Headmasters promoted from Sanskrit Teachers who are not falling in the seniority list dated 15.01.2019 as per sanctioned posts. Some of ESHMs promoted from Sanskrit Teachers challenged the said Show Cause Notice alongwith the amendment which was issued recently vide official notification dated 15.03.2022 Service Rules, 2012 w.r.t. promotion to the post of ESHM in CWP No. 5886 of 2023 namely Sartaj Singh Dhanda and others Vs. State of Haryana and others. Thereafter, another Civil Writ Petition No. 6366 of 2023 titled as Rattan Singh and others Vs. State of Haryana and others has been filed and the Hon'ble Court was pleased to stay the operation and implementation of the corrigendum issued vide order No. 15/12-2019 HRM-III/ESHM (1) dated 01.07.2022 and also stay of all further action pursuant to the Show Cause Notice for reversion.

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Keeping in view position explained above, the claim of claimant will be considered at the time when the promotion will be made on the post of Elementary School Head Master after the vacation of stay or final decision of the Hon'ble Court in aforementioned writ petitions with respect to Show Cause Notices dated 09.03.2023 to concerned ESHM's. Hence, at present the claim of the claimant is hereby kept pending till the final decision of the Hon'ble High Court in writ petitions and vacation of stay in above terms.

Order accordingly.

hp
(Kamal Preet Kaur),

Additional Director, Administration
O/o Director Elementary Education,
Haryana, Panchkula.

Regd.

To

1. Smt. Shailja Yadav (ID No. 065706), aged 48 years, W/o. Sh. Somesh Kumar, posted as Sanskrit Teacher/TGT at GSSS Beri, Distt. Mahendergarh R/o House No. 1085, Adarsh Colony, Ward No. 1, Mahenderarh.

Endst. No.: Even

Dated Panchkula the, 26-7-23

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

action:

- Regd*
1. District Elementary Education Officer, Mahendergarh.
 2. Mr. Ravi Verma, Advocate, Bar Room No. 11, New Bar Complex Punjab and Haryana, Chandigarh. (Mobile NO. 9814845820)
 3. IT Cell. To upload the Order on website.

Shankar K
Superintendent ESHM
for Director Elementary Education,
Haryana, Panchkula 17.07.2023