

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

Order No. 02/09-2022 TGT R&A (1)

Dated Panchkula the 31.01.2024

The Candidate whose name recommended by the Haryana Staff Selection Commission, Panchkula vide memo no. HSSC/Confd./01/60/2023/04 dated 02.01.2024 for the post of TGT English (ROH) against Advt. No. 09/2015 Category No. 01 is hereby requested to appear at 1st Floor, Shiksha Sadan, Sector-5, Panchkula on 13.02.2024 at 9:30 AM. Alongwith the original academic certificate/documents pertaining to your case/claim for the appointment to the post of TGT English.


**KAMALPREET KAUR
ADDITIONAL DIRECTOR ADMINISTRATION
O/O DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA**

Endst. No. Even

Dated, Panchkula 07.02.2024

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

1. Smt. Suman Devi w/o Sh. Ravi Kumar, Ward No. 4, Near Raghunath Mandir, Rania, District Sirsa.
2. The Departmental Committee (Smt. Namita Kaushik, Joint Director, Sh. Anil Assistant Director and Sh. Darshan Lal, Superintendent)
3. I.T. Cell (Headquarter).


**Dy. SUPERINTENDENT TGT R&A,
O/o DIRECTOR ELEMENTARY EDUCATION
HARYANA, PANCHKULA**



GOVERNMENT OF HARYANA/हरियाणा सरकार
Directorate of 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

Off.: Plot No. 1B, Shiksha Sadan, Sector 5, Panchkula, Haryana 134109 (India) - Tel: 91(0172)-2560246 Fax: 91(0172)-2560253

कार्यालय: प्लॉट नं० 1बी, शिक्षा सदन, सेक्टर 5 पंचकुला-134109 (भारत) दूरभाष : 91 (0172) 2560246 फैक्स: 91 (0172) 2560253

e-mail: eduprimaryhry@gmail.com - site: www.schooleducationharyana.gov.in, www.harprathamik.gov.in



ORDER NO: 15/07-2024 ESHM (2)

DATED, PANCHKULA, THE 05.02.2024

Whereas Sh. Mahender Singh [095059], ESHM Government High School Ramalwas (524), Charkhi Dadri who was promoted to the post of Elementary School Head Master vide this office order No. 15/66-2010 HRM-II (1) issued on 13.06.2013.

Further, consequent upon on his request dated 24.01.2024 Sh. Mahender Singh [095059], ESHM Government High School Ramalwas (524), Charkhi Dadri is hereby reverted back as C&V Hindi and posted at GSSS Khudana (3968), Naranul as such will the condition that he will not be considered for further promotion again at least for one year and benefit of ACP if any, granted in lieu of promotion will be withdrawn.

Note:- It is made clear that in case of forgo promotion, last financial upgradation would be withdrawn as per provisions defined in HCS (Pay) Rules, 2016 read with HCS (ACP) Rules, 2016. It is further clarified that the applicant would not be entitled to be considered again for this post for next one year and, if granted promotion again, he would be junior to the persons who will promoted in the said duration i.e one year.

Kamal Preet Kaur
 Additional Director Admn.
 O/o Director Elementary Education
 Haryana, Panchkula

ENSDT NO: Even

DATED, PANCHKULA, THE 07.02.2024

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

1. Account General (A&E) Haryana, Chandigarh.
2. District Elementary Education Officer Charkhi Dadri & Narnaul with the direction to take action regarding relieving and joining as well as updating of MIS data.
3. Principal/Headmaster Concered School.
4. Official Concered.
- ✓ 5. IT Cell, HQ. To upload the order on website.

M. J.
 7.2.24
SUPERINTENDENT ESHM
FOR DIRECTOR ELEMENTARY EDUCATION,
HARYANA, PANCHKULA 07.02.2024

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

Order No. 17/3-2023 ESHM(1)

Dated Panchkula the, 29.01.2024

Whereas Rahim Khan and others approached the Hon'ble Punjab & Haryana High Court by way of filing a Civil Writ Petition i.e. CWP No.1659 of 2023 – Rahim Khan and others V/s State of Haryana & others praying therein for issuance of writ in the nature of Certiorari for setting aside the discriminatory action of the respondents in not granting exception (from condition of 50% marks in graduation) in terms of amendment in NCTE norms notified on 13.11.2019 (Annexure P-5) for considering the petitioners' eligibility for promotion to the post of ESHM, whereas similarly situated teachers having less than 50% marks in graduation have been considered eligible (one such order dated 20.01.2022 at Annexure P-8), may kindly be issued; and a writ in the nature of Mandamus directing the respondents to consider the petitioners eligible for promotion as ESHM in view of amendment in NCTE norms notified on 13.11.2019 (Annexure P-5) and grant them 2nd ACP benefits w.e.f. 01.10.2019 (on completion of 16 years of regular satisfactory service) due dates and all consequential benefits like seniority and arrears with interest @12% PA, w.e.f. the due dates, may kindly be issued.

The said petition came up for hearing before the Hon'ble High Court on 10.03.2023 and was disposed off with the following directions:-

"Prayer in the present petition is for issuance of a writ in the nature of Certiorari setting aside the discriminatory action of the respondents in not granting exemption from condition of 50% marks in Graduation to the petitioners in terms of amendment in NCTE norms notified on 13.11.2019 (Annexure P-5).

Learned counsel for the petitioners submits that the petitioners are having less than 50% marks in Graduation and prays for promotion of the petitioners to the posts of Elementary School Headmasters, as similarly situated teachers having less than 50% marks in Graduation have already been considered eligible.

Heard.

Admitted."

During the pendency of the case, the matter was perused in detail by the department and it was found that all the claimants were claiming promotion on the post of Elementary School Head Master on the basis of amendment in NCTE Norms notified on 13.11.2019 (Annexure P-5). As per the NCTE Norms notification, it is very much clear that the said amendment has been done for the purpose of admission in B.Ed./B.El.Ed/ any other equivalent course before 29.07.2011 and the same is not applicable on promotion. In this regard it is stated that the relaxation in criteria of minimum percentage of marks in graduation has been granted for the purpose admission to those applicants who has already taken admission in B.Ed./B.El.Ed/ any other equivalent course prior to 29.07.2011. Moreover, no such amendment has been made in Service Rules 2012 on the basis of the said notification dated 13.11.2019. Hence, the existing Service Rules 2012 is applicable on the claimants and they are not fulfilling the requisite qualification for promotion on the post of ESHM as they are not eligible. Furthermore, the minimum percentage criteria i.e. 45% as per NCTE norms provided in Service Rule 2012s is also not being fulfilled by the

claimants. Hence, the amended NCTE norms notification is not applicable in present case for the promotion of claimants on the post ESHMs.

The details of qualification and seniority of all the claimants are under :-

Sr. No.	Seniority no. (01.01.2017)	Name, Designation	Category	Qualification	Remarks
1	2871	(011665) Rahim Khan, Mathematics Master	BCB	BA-42.25 % B.Ed-1993	Not eligible
2	4445	(009327) Roshan Lal Science Master	BCA	B.Sc.-44.62% B.Ed-1992	Not eligible
3	4449	(015454) Bimla Sharma Science Mistress	General	B.Sc.-48% B.Ed-1991	Not eligible
4	4556	(012155) Laxman Dass S.S. Master	General		(Retired on 31.01.2023) Seniority more then 4500
5	4708	(009118) Devi Ram Mathematics Master	General	BA-40.0% B.Ed-1997	Seniority more then 4500
6	10475	(090017) Jamil Ahmed S.S. Master	General	D.Ed BA-45.16% B.Ed-2010	Seniority more then 4500

In view of above, the promotion cases of all these claimants were examined as per their respective seniority and Service Rules, 2012. The promotion case of claimant 1 i.e. Rahim Khan was received from DEEO palwal and w.r.t. claimant no 4 i.e. Laxman Dass information has been received that he got retired as TGT on 31.01.2023. Further, the claimant no 2 and 3 i.e. Roshan Lal and Bimla Sharma (at seniority no 4445 and 4449 respectively) sent their promotion case at the time when promotion was being done by the department upto seniority no 4500 for General Category in the seniority list of TGT dated 01.01.2017. also, The departmental promotion committee examined the promotion case of the claimant no 2 & 3 and both the claimants were found not eligible as per Service Rules, 2012 as they were not fulfilling the requisite qualification for promotion on the post of ESHM. Further it is also submitted that the claimant no 5 & 6 i.e. Devi Ram and Jamil Ahmed respectively are at seniority no. 4708 and 10475 respectively in the seniority list dated 01.01.2017 whereas the department had done promotion on the post ESHM upto 4500 (General Category). Hence, the promotion case of claimant no. 5 & 6 will be examined as per service rules, 2012 at their turn keeping in view of their respective seniority in the seniority list of TGT dated 01.01.2017.

In the meanwhile the present case came up for hearing again on 20.10.2023 alongwith CM No. 17780/2023 and the Hon'ble High Court was pleased to dispose off writ petition with a direction to the respondent no. 2/Director Elementary Education Haryana to decide the Legal Notice dated 09.11.2022. The operative part Hon'ble High Court order dated 20.10.2023 is as under:-

"In view thereof, without going into the merits of the case, the petition is disposed of with a direction to respondent no. 2/Director Elementary Haryana, to consider and decide the pending legal notice dated 09.11.2022 issued by the petitioner, by passing a speaking order thereupon in accordance with law,

within a period of two months from the date of receiving a certified copy of this order."

In the compliance of above direction, the cases of claimants were again examined and it has been found that the claimants are not eligible for promotion on the post of ESHM as per their respective seniority and existing service rules, 2012. Furthermore, it is relevant to mention here w.r.t. para no.9 of Legal notice dated 09.11.2022 Sh. Rajesh Kumar (065225) has fulfilled requisite qualification for the promotion of the post of ESHM as he has passed B.A with 46% marks and also done his B.ED as per NCTE Norms in Year 1996. Hence, there is no discrimination made by the department between Sh. Rajesh Kumar and claimants in present case as the claimants had not completed their B.Ed as per NCTE norms.

Keeping in view the matter explained above, the case of the claimants no 1, 2 & 3 i.e. Rahim Khan, Roshan Lal and Bimla Sharma respectively has been examined and it have been found that the claimants no 1, 2 & 3 are not eligible for promotion as per Service Rules, 2012 as not having essential qualification for promotion. The claimant no. 4 i.e. Laxman Dass has retired on 31.01.2023. Moreover, claimants no. 4 to 6 i.e. Laxman Dass, Devi Ram and Jamil Ahmed do not fall in the seniority list dated 01.01.2017 no upto seniority no. 4500 hence, their claim will be examine at their turn. On the basis of present circumstances, the claim of the claimants has been rejected as per Service Rules, 2012 in above terms.

I order accordingly.

[Signature]
(Kamal Preet Kaur),

Additional Director Administration
For Director Elementary Education,
Haryana, Panchkula.

Regd.

To

- (1) Sh. Rahim Khan (011665) S/o. Sh. Musaddi Khan, R/o Hafzabad, Teh. Palwal, Distt. Palwal.
- (2) Sh. Roshan Lal (009327) S/o Ram Sarup R/o Village Missa, Tehsil & District Palwal.
- (3) Smt. Bimla Sharma (015454) D/o Sh. Moti Lal Sharma R/o H.No. 102/8, New Colony, Palwal, District Palwal.
- (4) Sh. Laxman Dass (012155) S/o Sh. Ram Charan R/o Village Khambi, Tehsial Hodal, District Palwal.
- (5) Sh. Devi Ram (009118) S/o Ram Charan R/o Village Pengaltu, Tehsil Hodal, District Palwal.
- (6) Sh. Jamil Ahmed (090017) S/o Sh. Suleman R/o Saini Nagar, Near Rasulpur Chowk, Palwal-12102.

Endst. No.: Even

Dated Panchkula the, 05.02.2024

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

1. District Elementary Education Officer, Palwal.
2. Sh. Anand Bhardwaj, H.No. 292, Govind Vihar (Near SBI Branch Baltana Furniture Market), Zirakpur, SAS Nagar, Mohali-140603.
3. IT Cell. To upload the Order on website.

[Signature]
5.2.24.
Superintendent ESHM
for Director Elementary Education,
Haryana, Panchkula
[Signature]