

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA,
PANCHKULA**

Order No. 15/190-2023 TGTR&A(2)

Dated, Panchkula, the 15.02.2024

Sanction is hereby accorded for pay protection of Sh. Sandeep Kumar,(1009095) TGT English, GHS Kathwar (2218) District Kaithal as TGT in Rs. 50500 (Basic Pay), Pay scale of Rs. 9300-34800 +4600 GP (FPL 07) w.e.f. 13.12.2022 under Rule 10 (ii) Note-2 of Haryana Civil Services (Pay) Rules, 2016.

**Kamal Preet Kaur,
Additional Director Administration,
O/o Director Elementary Education,
Haryana, Panchkula**

Endst. No. Even

Dated, Panchkula, the 16-2-24

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

Regd.

1. District Elementary Education Officer Kaithal w.r.t. his Memo No. E-1/23/2870 dated 03.11.2023 The Service book of the official is returned herewith.
2. Principal Accountant General (A&E) Haryana, Chandigarh.
3. Principal/Headmaster, GHS Kathwar (2218) District Kaithal.
4. Sh. Sandeep Kumar,(1009095) TGT English, GHS Kathwar (2218) District Kaithal.
5. Dy. Director I.T. Cell. Please upload the order on website.

**Dy. Superintendent TGT R&A
For Director Elementary Education,
Haryana, Panchkula**

**DIRECTORATE OF ELEMENTARY EDUCATION HARYANA,
PANCHKULA**

Order No. 17/125-2022 TGT Promotion (1)

Dated Panchkula, the 07.02.2024

Whereas, Sh. Jai Pal Singh (1021245) was appointed as JBT on 24.12.2008 by direct recruitment and thereafter was promoted on the post of TGT English vide order no. 15/9-2018 HRM-I (2) dated 02.08.2018.

That Sh. Jai Dev has filed a writ petition i.e. CWP No. 22355 of 2022 titled as Jai Dev vs. State of Haryana & others for the promotion to the post of TGT English. As per the Legal Notice dated 21.04.2022, the petitioner contended that the teachers junior to him have been granted promotion w.e.f. 17.07.2018. The petitioner in the Legal Notice has contended Sh. Jai Pal Singh (1021245) as one of the alleged junior who has been promoted despite being junior to the petitioner.

The Department after receiving the above said court case i.e. CWP No. 22355 of 2022 titled as Jai Dev vs. State of Haryana & others for the promotion to the post of TGT English, re-examined the promotion case of Sh. Jai Pal Singh. While scrutinizing the educational qualifications of Sh. Jai Pal Singh, it is found that, there is some discrepancy regarding educational qualifications possessed by Sh. Jai Pal with those of the eligibility criteria specified in Haryana School Education (Group-c) State Cadre Service Rules, 2012.

Sh. Jai Pal Singh, possesses the qualification of B.A. with 51.33% marks along with 45% marks in English subject. However, there is a requirement of more than 50% marks in English subject along with the requisite qualification of Diploma in Elementary Education (D.El.Ed.) or Bachelor in Education (B.Ed.) as per the Haryana School Education (Group-c) State Cadre Service Rules, 2012 as mentioned below:

Sr. No. (1)	(2)	(3)	By Promotion:- (4)
5.	TGT English	(i)B.A. with at least 50% marks in English as an elective subject and 2-year Diploma in Elementary Education; OR B.A. with at least 50% marks as well as in English as an elective subject and 1-year ;	By Promotion:- (i) B.A. with at least 50% marks in English as an elective subject and 2- year Diploma in Elementary Education; OR B.A. with at least 50% marks as well as in English as an elective subject and 1-year Bachelor in Education (B.Ed.);

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	<p>Bachelor in Education (B.Ed.); OR B.A. with at least 45% marks as well as 50% marks in English as an elective subject 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 BA Ed OR B.A. with at least 50% marks as well as in English as an elective subject and 1-year B.Ed. (Special Education)</p> <p>(ii) In case of B.Ed, English as a teaching subject from a recognized university;</p> <p>(iii) Certificate of having qualified Haryana Teacher Eligibility Test (HTET) /School Teachers Eligibility Test (STET);</p> <p>(iv) Matric with Hindi/Sanskrit or 10+2/B.A./M.A. with Hindi as one of the subject.</p>	<p>OR B.A. with at least 45% marks as well as 50% marks in English as an elective subject 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 BA Ed.; OR B.A. with at least 50% marks as well as in English as an elective subject and 1-year B.Ed. (Special Education);</p> <p>(ii) In case of B.Ed., English as a teaching subject from a recognized university;</p> <p>(iii) 3 years experience as Primary Teacher (PRT) /Classical & Vernacular (C&V) Teacher;</p> <p>(iv) Certificate of having qualified Haryana Teacher Eligibility Test (HTET) /School Teachers Eligibility Test (STET).</p>
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Therefore, the show cause notice was issued to Sh. Jai Pal on 18.08.2023. Accordingly, an opportunity of personal hearing was granted to Sh. Jai Pal Singh on 08.11.2023 wherein Sh. Jai Pal Singh fails to submit the requisite documents his stand with regard to educational qualifications possessed by him in consonance with the qualifications specified in Haryana School Education (Group-c) State Cadre Service Rules, 2012.

Moreover, Sh. Jai Pal Singh cannot be granted the benefit of relaxation of 5% as per Note- (iv) given below Appendix –B to the Statutory Rules “Haryana State Education school cadre (Group-C) Service Rule 2012” as contended by him in his reply dated 23.08.2023 to the show cause notice. The said benefit can not be granted because that 5% relaxation is granted in the particular degree and not in particular subject and further it is submitted that as per clarification vide U.O.No. 22/86/2021-1GS-III dated 29.06.2021 of O/o Chief Secretary to Government of Haryana, the relaxation is only for the purpose of admission/direct recruitment and not to be applicable for the purpose of promotion.

Keeping in view of the facts mentioned above and as per office records, I am of the considered view that Sh. Jai Pal Singh, TGT English is not found eligible to be promoted on the post of TGT English as per the Haryana School Education (Group-c) State Cadre Service Rules, 2012 and thus is hereby reverted on the post of JBT with immediate effect.

Ordered accordingly.

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(Kamal Preet Kaur)

Additional Director Elementary Education
Haryana, Panchkula

Regd.

To

Sh. Jai Pal Singh S/o Sh. Bhalla Singh
TGT English, GGSSS Jundla (1827)
District Karnal (Haryana).

Endst. No. 17/125-2022 TGT Promotion (1)

Dated Panchkula, the 12.02.2024

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

1. District Elementary Education Officer, Karnal with direction to intimate the official. (The station will be allotted separately).
2. IT Cell
3. Supdt. PGT-I for further Necessary Action
4. Supdt. PRT (ART) for SENIORITY Purpose

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12.2.24.
Superintendent (TGT Promotion)
for Director Elementary Education
Haryana, Panchkula

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

Order No. 17/16-2023 ESHM (2)

Dated Panchkula the, 13.02.2024

Whereas Sh. Ram Prasad approached the Hon'ble Punjab & Haryana High Court by way of filing a Civil Writ Petition i.e. CWP No. 5601 of 2023 titled as Ram Prasad Vs. State of Haryana & others praying therein for issuance of a writ in the nature of mandamus directing the respondents for stepping up of his pay at par with respondent no. 3, who is very much junior to the petitioner and getting more salary as compared to the petitioner and thereby is in violation of the judgments passed by this Hon'ble Court and further directing the respondents department to decide the representation submitted to the respondents department dated 04.01.2023 (Annexure P-7) by the petitioner.

The present writ petition came up for hearing before the Hon'ble High Court on 25.05.2023 and was disposed off and Hon'ble High Court has passed the following directions:-

"Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to step up the pay of the petitioner, at par with respondent No.3.

After arguing at length, learned counsel for the petitioner submits that for redressal of his grievances, the petitioner will move a fresh representation within two weeks from today and he would be satisfied if the said representation is ordered to be decided in a time bound manner.

Notice of motion to respondents No.1 and 2-State only, at this stage.

On the asking of this Court, Mr. RS Budhwar, Additional AG Haryana, accepts notice on behalf of respondents No.1 and 2-State and submits that he has no objection if the aforesaid limited prayer made by the learned counsel for the petitioner is allowed.

In view of the above and without commenting anything on the merits of the case, the petitioner would be at liberty to move a representation for redressal of his grievances, within two weeks from today, if so advised.

On his doing so, respondent No.2-Director, Elementary Education, Haryana, is directed to decide the said representation, within a period of eight weeks thereafter, by passing a speaking order, as per law.

Disposed of in the above terms."

In the compliance of above said direction issued by the Hon'ble High Court on 25.05.2023, the case of the claimant i.e. Sh. Ram Prasad was examined in length and it has been found that the claimant has not moved any fresh representation in view of above mentioned direction. However, the department has examined the representation dated 04.01.2023 (Annexure P-7) of the claimant i.e. Sh. Ram Prasad in depth vide which the claimant has claimed for the stepping up as per notification dated 05.03.2009 at par his junior counter of reserved category (respondent no. 3) as his junior is getting more salary then the claimant. In this regard, the stepping up of pay case of the claimant was called alongwith complete record (comparative statement of the claimant and respondent no. 3 duly verified from the concerned section officer) from the DEEO Charkhi Dadri.

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Thereafter, a committee was constituted at District Level Under the chairmanship of District Elementary Education Officer Charkhi Dadri. As per the report of the aforementioned committee the claimant was appointed as Sanskrit Teachers (District Cadre) whereas Ramesh Kumar (respondent no. 3) was appointed as S.S. Master (State Cadre). Moreover, the seniority of claimant is maintained at District Level in the respective District of the employee whereas seniority of Master Cadre is maintained at State level. The claimant and respondent no. 3 belong to different cadre, hence, the Claim of claimant of stepping up pay at par with different cadre employee (respondent no. 3) is not admissible and hence not tenable.

Now, considering the matter from all corners it is found that the claim of the claimant is not maintainable at this stage. Hence, the claim of the claimant is hereby denied/Rejected.

Order accordingly.

He
(Kamal Preet Kaur),
Additional Director Administration
For Director General Elementary Education,
Haryana, Panchkula.

Regd.

To

Sh. Ram Prasad, (ESHM), S/o. Sh. Dariyaram, R/o H.No. 1774 Ateli Mandi, Tehsil Atelil, Distt. Mahendergarh (Narnaul).

Endst. No.: Even

Dated Panchkula the, 15.02.2024

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

1. District Elementary Education Officer, Charkhi Dadri.
2. Principal, GHS Rasiwas (5582), Distt. Charkhi Dadri.
3. Mr. Rohit Mittal, Advocate, Room No. 2, New Bar Complex, Punjab & Haryana High Court, Chandigarh.
- ✓ 4. IT Cell. To upload the Order on website.

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15.2.24
Superintendent ESHM
for Director General Elementary Education,
Haryana, Panchkula