

were available in the reserve Quota, the respondent no. 3 i.e. Ramesh Kumar was promoted to the post of Elementary School Middle Head on dated 24.12.1997. Since, the respondent no. 3 was covered/governed by Haryana Civil Service Rules 1998. The representationist could not be promoted on the post of Elementary School Middle Head at the time when Ramesh Kumar was promoted because of the fact that the representationist belongs to General Category and no post was available for General Category. The representationist was promoted on the post of Middle Head master on 19.01.2013 and at that time Haryana School Education (Group C) State Cadre Service Rules, 2012 were applicable and the requisite eligibility criteria for promotion to the post of Elementary School Head Master has been prescribed as above.

Whereas the department is bound by the Law, Rules, Regulation, Instructions, Notification and Decision passed by the Hon'ble Apex Court. However, the representationist demand notice/representation is found to be devoid of merits as per the Haryana School Education (Group C) State Cadre Service Rules, 2012 (Appendix - B) as well as notification issued by the State Government on dated 05.03.2009/16.03.2009 as the representationist failed to match the qualification criteria fixed at the time of his promotion as per Rules, 2012 as *he does not possess the following educational qualification of B.A./B.Sc. with at least 50% marks and it is also found that he does not possess the qualification of 2-year D.Ed. (Diploma in Elementary Education) further he is also not eligible as his 1 year Bachelor in Education (B.Ed.) is not in accordance with NCTE i.e. National Council for Teacher Education (reorganization Norms and Procedure) regulations issued from time to time in this regard.* Whereas the required qualification for promotion as ESHM is as mentioned above. Hence, his request for stepping up of his pay at par with his junior counter-part i.e. respondent no. 3 i.e. Ramesh Kumar is unjustified for the reasons stated above.

Whereas it is worthwhile to state here that The National Council for Teacher Education (Amendment) Act, 2019 (in short form read as NCTE) have come into force on 17th August, 1995. This means that a person to be qualified for promotion should secure at least 45% marks in B.A./B.Sc and 1-year Bachelor in Education (B.Ed.) from NCTE on 17th day of August, 1995 to 31.08.2009.

The representationist was not eligible for the promotion as per Haryana School Education (Group C) State Cadre Service Rules, 2012 (Appendix - B) and as per notification issued by the State Government on dated

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Whereas, the educational qualifications for the post of Elementary School Head Master are very much clear under Appendix-B of the Haryana School Education (Group C) State Cadre Service Rules, 2012. In the Haryana School Education (Group C) State Cadre Service Rules, 2012; no employee who is on the post of TGT is exempted from having requirement provided under Appendix B of Rules, 2012 for promotion as Elementary School Head Master (ESHM) which 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		By promotion:- (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.); OR Senior Secondary (or its equivalent) with at least 50% marks and 4 year B.A. Ed.; OR B.A./B.Sc. with at least 50% marks and 1-year B.Ed. (Special Education); (ii) 5 years experience in regular capacity as Hindi/Sanskrit/ Punjabi Teacher/ TGT, (iii) Atleast 3 weeks in-service training in administrative and accounts module.

Whereas, the representationist himself admitted at para no. 4 of the writ petition that respondent no. 3 belongs to reserve category and as such posts

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DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 17/118-2024ESHM (1)

Dated Panchkula the, 9.1.2025

Whereas, the present CWP No. 30692 of 2024 Mohinder Singh Vs. State of Haryana & Others was filed in the Hon'ble High Court for directing the respondent-Department to step up his pay at par with his respondent No.3, who is very much junior to the petitioner and getting more salary as compared to the petitioner. Further prayed for directing the respondent department to decide his representation dated 25.07.2024 (Annexure P-7).

The said writ petition came up for hearing before the Hon'ble High Court on 14.11.2024 and Hon'ble High Court was pleased to disposed of present writ petition. The operative part of the order is reproduced as under:-

"In view thereof, without going into merits of the case, the petition is disposed of with a direction to respondent No.2 - Director of Elementary Education, Haryana, to consider and decide the pending representation, dated 25.07.2024, Annexure P-7, by passing a speaking order in accordance with law, within a period of three months from the date of receiving a certified copy of this order.

In case the order is not passed within the stipulated period, the officer concerned shall pay costs of ₹50,000 to the petitioner."

In the compliance of above direction, the representation dated 25.07.2024 annexed as Annexure P-7 of the representationist was examined carefully and approval was sought from competent authority to call the record from the DEEO Jind, and after examining the representation, it has been found after perusing the report received from the O/o Block Education Officer, Uchana, District Jind on dated 13.12.2024 that Sh. Mohinder Singh (020500) was appointed on the post of Master on dated 31.10.1991 in the General Category. Thereafter, the representationist was promoted as ESHM on 19.01.2013. The qualification of representationist/ Sh. Mohinder Singh as per the service record received from District Elementary Education Officer, Jind is as under:-

Sr. No.	Qualification	Year	Board/University	Marks	Percentage
1	B.Sc.	1987	MDU Rohtak	435/950	45.78
2.	B.Ed. (1 Year Course)	1988	MDU Rohtak	456/900	50.66
3.	D.Ed (Qualification not found)				

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05.03.2009/16.03.2009 to the post of ESHM. It is further stated here that the action in accordance with law will be taken against the officer/official who without taking into consideration the Haryana School Education (Group C) State Cadre Service Rules, 2012 (Appendix - B) promoted the representationist in spite of the fact that the representationist did not have the requisite qualification as per the the Haryana School Education (Group C) State Cadre Service Rules, 2012 (Appendix - B) will be initiated.

It is hereby directed that the claim made in the representation dated 25.07.2024 is not maintainable as per record and hereby rejected.

I order accordingly.

(Kamal Preet Kaur)
Additional Director Admn.-II
O/o Director General Elementary Education,
Haryana, Panchkula.

Regd.

To

1. Sh. Mohinder Singh, ESHM, aged about 58 years, S/o. Sh. Diwan Singh, R/o 3838, D-Block, Urban Estate, District Jind Haryana Mob. No. 9780141467.

Endst. No.: Even

Dated Panchkula the, 13.1.2025

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, Jind.
3. Sh. Rohit Mittal, Advocate, Bar Room No. 2, New Bar Complex, Punjab and Haryana High Court.
4. IT Cell. To upload the Order on website.

13/01/2025
Superintendent ESHM
for Director General Elementary Education
Haryana, Panchkula