

DIRECTORATE OF ELEMENTARY EDUCATION HARYANA, PANCHKULA

Order No. 17/78-2025 ESHM (2)

Dated Panchkula the, 1-12-25

Whereas, the present CWP No. 22699 of 2025 Anil Kapoor and another Vs. State of Haryana & Others was filed in the Hon'ble High Court praying therein for directing, the respondent-Department for stepping up his pay at par with respondent No.3, who is very much junior to the petitioners and getting more salary as compared to the petitioners. Further directing the respondent department to decide his representation submitted to the respondent department dated 09.04.2025 by the petitioners.

The said writ petition came up for hearing before the Hon'ble High Court on 06.08.2025 and Hon'ble High Court was pleased to dispose of the present writ petition. The operative part of the order is reproduced as under:-

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3. Notice of motion.

4. Mr. Amit Sahni, Additional Advocate General, Haryana, accepts notice on behalf of the respondents/State, and submits that the pending representation, dated 09.04.2025, will be decided by respondent no.2/Director, Elementary Education, by passing a speaking order in accordance with law, within a period of three months.

5. In view of the statement made, learned counsel for the petitioners has no objection to the petition being disposed of in terms thereof.

6. Ordered accordingly.

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

In the compliance of above direction, the representation dated 09.04.2025 of the petitioners has been examined. After examining the case of the petitioners, it has been found that Sh. Anil Kapoor and Sh. Ashok Kumar were appointed on the post of Mathematics Master on dated 01.01.1991 (regular). The petitioner No. 1 Sh. Anil Kapoor was promoted as ESHM on 13.06.2013 and Petitioner No. 2. Sh. Ashok Kumar was also inadvertently promoted on 17.06.2013. The Educational Qualification details of the petitioners are as under:-

Sr. No.	Name & Emp. ID	Percentage in graduation	B.Ed. Passing Year	Remarks
Petitioner No. 1	Anil Kapoor (048694)	B.Sc.- 47.8% (455/950)	1984	Not eligible
Petitioner No. 2	Ashok Kumar (048676)	B.A.-42.61% (277/650)	1983	Not eligible

Whereas, the educational qualifications for the post of Elementary School Head Master are mentioned in 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, it is clearly stated that no employee who is on the post of TGT is exempted from requirements provided under Appendix B of Rules, 2012 for promotion as Elementary School Head Master (ESHM) which are 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		<p>By promotion:-</p> <p>(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);</p> <p>(ii) 5 years experience in regular capacity as Hindi/Sanskrit/ Punjabi Teacher/ TGT,</p> <p>(iii) At least 3 weeks in-service training in administrative and accounts module.</p>

Whereas, above mentioned table clearly depicts that for the promotion of Elementary School Headmaster, in this case an employee must have 50% marks in his graduation however, both the petitioners had marks lower than 50% in their graduation which is lower than the qualifying marks for the promotion of ESHM. Further, it is relevant to mention here that 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)

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State Cadre Service Rules, 2012 (Appendix - B) as the representationist failed to match the qualification criteria fixed at the time of their promotion as per Rules, 2012. The above mentioned rules clearly depicts that the representationist are not entitled for the promotion of ESHM.

Moreover, regarding the inadvertent promotion of representationist to the post of ESHM, the Department of Education has issued the Show Cause Notice to both the petitioners on 29.01.2019. The said Show Cause Notice was stayed vide order dated 22.03.2023 by Hon'ble Division Bench in the CWP No. 5886 of 2023 titled as Sartaj Singh Dhanda and others Vs. State of Haryana and others. But still the fact is that the petitioners are ineligible for the promotion to the post of ESHM. In such circumstances, if they are allowed to draw pay equivalent to respondent no. 3 then it would be a burden on state exchequer.

Accordingly, in the light of above-mentioned facts, request for stepping up of their pay at par with their junior counterpart that respondent No. 3 Sh. Yad Ram is unjustified for the reasons stated above. It is hereby directed that the claim made in their representation dated 09.04.2025 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

Endst. No.: Even

Dated Panchkula the, 1-12-25

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

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