



**Very Important**

**OFFICE OF DIRECTOR SECONDARY EDUCATION HARYANA  
PANCHKULA**


**Order No. 10/1-2021 Admn(4)**

**Dated, Panchkula the**

**19/04/2024**

A copy of letter No. DA/CS/40133 dated 29.03.2024 received from Chief Secretary to Government, Haryana regarding CWP No. 12846 of 2023 Shobha Devi and others Vs. State of Haryana and others is forwarded to the following for information & necessary action:-

1. Director Elementary Education Haryana, Panchkula.
2. Director SCERT Haryana, Gurgram.
3. All the District Education Officers in the State.
4. District Attorney (HQ).
5. All Officers/Superintendents Secondary (HQ).
6. Superintendent Coordination Branch (S).
7. Superintendent Admn. (Elementary).
8. PA/DSE.
9. PA/Additional Director (MSS).
10. PA/ Additional Director Administration.
11. PA/ Joint Director Admn.
12. PA/ Additional Director Academic.
13. All the Assistants Admn. Branch (Sec.)
14. IT Cell (HQ) for website.

  
**SUPERINTENDENT ADMN.**  
**for DIRECTOR SECONDARY EDUCATION**  
**HARYANA PANCHKULA**

12/4/24

ACSSE  
No. 19529  
Date 3.4.2024

From

The Chief Secretary to Government Haryana  
Chandigarh

To

1. All the Administrative Secretaries to Govt. of Haryana.
2. All Head of the Departments in the State of Haryana.
3. The Managing Directors/ Chief Administrators of all the Boards/Corporations in the State of Haryana.
4. All the Divisional Commissioners in the State of Haryana.
5. All the Deputy Commissioners in the State of Haryana.

ACSSE (Bum)  
JPA  
3/4/24DSE (OED)  
05/4/2024  
DCEE

Memo No. DA/CS/ 40/33

Dated: 29.03.2024

Subject:- CWP No. 12846 of 2023 Shobha Devi and others Vs. State of Haryana and others.

DA

I have been directed to refer to the subject noted above and to say that the High Court while hearing CWP No. 12846 of 2023 titled as "Shobha Devi and others Vs. State of Haryana and others" vide order dated 22 November 2023 observed that generally HoDs stay away from filing their own reply and rather resort to issuing directions to subordinate authorities to file separate replies in respect of each of them. It leads to wastage of precious man-hours and also causes waste of precious judicial time to reconcile the replies. Another problem which comes up on account of filing of multiple replies by respondents is that, at times, there are mutual contradictions therein.

ADA  
S. Adm  
12/4/24  
10/4/24  
ADA

In view of the above said observations, the High Court directed that when a particular Department is being represented by the Head of the Department, one single comprehensive reply ought to be filed for all the respondents. Similarly, where the reply is required to be filed by the office of the Chief Secretary, there is no occasion for any other Department to file any separate reply since the Chief Secretary is the *de facto* Head of all Departments as well. A copy of order dated 22 November 2023 is enclosed.

The matter has been examined by this office and it has been observed that in all cases records and other necessary inputs are not in the custody of Chief Secretary's office and as such it would be difficult to file reply under the signatures of Chief Secretary in all cases where he has been impleaded as respondent. Therefore, it has been decided to issue following directions in this regard:-




- (i) In cases, where the department is represented by the Administrative Secretary, HoD and other officers of the Department, reply shall be filed on behalf of all official respondents either by HoD or by an officer not below the rank of Joint Secretary with the approval of Administrative Secretary.
- (ii) In cases where the department is represented through the Administrative Secretary and HoD, a consolidated reply be filed on behalf of all official respondents under the signatures of HoD or Joint Secretary of the Department with the approval of Administrative Secretary concerned.
- (iii) In cases where the Chief Secretary has been impleaded as respondent alongwith other officers of the department including Administrative Secretary and HoD, reply on behalf of all official respondents shall be filed by HoD or an officer not below the rank of Joint Secretary with the approval of Chief Secretary.

However, it is further clarified that in case the High Court has specifically directed the Chief Secretary/Administrative Secretary/HoD or any other officer to file reply, then the reply be filed by the concerned.

You are, therefore, requested to ensure that the above instructions shall be complied with in letter and spirit and any deviation shall be viewed seriously.

These instructions be brought to the notice of all concerned for strict compliance.

  
District Attorney  
for Chief Secretary to Govt. Haryana

PRESENT Mr. Bhanu Pratap Singh, Advocate, and  
Ms. Vibhuti Narana, Advocate, for the petitioners.  
Mr. Vivek Chauhan, Addl. A.G. Haryana.

Learned State counsel prays for some time to file separate replies on behalf of respondents No.1, 2, 6 and 7.

It is being seen in large number of cases that the States continue to file separate replies on behalf of the subordinate official respondents even when the concerned Department(s) is/are being impleaded through their head(s) and also where the States are being impleaded through the Principal Secretary/Chief Secretaries. Such a practice where the Head of the Department stay away from filing their own reply and rather resort to issuing directions to the subordinate authorities to file separate replies in respect of each of them not only leads to wastage of man hours but also causes waste of judicial time trying to reconcile the replies that are being filed. Another problem which comes up on account of filing of multiple replies by the respondent(s) is that at times there are mutual contradictions in the replies filed by the respective persons. It is rather in the fitness of things that when a particular Department is being represented by the Head of the Department, one single comprehensive reply ought to be filed for all the said respondents. Similarly, where the reply is required to be filed by the office of the Chief Secretary, there is no occasion for any other Department to file any separate reply since the Chief Secretary is the *de facto* Head of all Departments as well.



## SHOBHA DEVI AND ORS. VS STATE OF HARYANA AND OTHERS

Difficulty, in this aspect, has been highlighted to the officers of the Advocate General Office who represent the States in various matters, however, the issue does not seem to have made any headway. The failure to amend is now being recorded in this order for onward communication to the Chief Secretary of the State of Haryana as well as to the State of the Punjab for issuing appropriate instructions so that precious time as well as resources of the office of the Advocate General as well as the man hours of respective Departments from the field is not wasted. Additionally, it causes wastage of judicial time trying to reconcile the replies, that may or not may not have been filed or to seek further clarification with regard to the mutual contradictions in the replies filed by the respective respondents.

Learned State counsel on behalf of State of Haryana as well as the State of Punjab, undertake to inform as regards any guidelines and instructions issued by the competent authority as would curb filing of multiple replies by the State in such cases.

Adjourned to 25.01.2024.

Replies on behalf of respondents No.1, 2, 6 and 7 be also filed in the meantime with a copy in advance to the counsel opposite.

November 22, 2023.  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE