

(2013) 08 P&H CK 0191
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 15273 of 2013

Ranbir Singh and Another	Vs	APPELLANT
The State of Haryana and Others		RESPONDENT

Date of Decision : 05-08-2013

Acts Referred:

Haryana State Education School Cadre (Group-B) Service Rules, 2012 — Rule 7

Citation : (2013) 08 P&H CK 0191

Hon'ble Judges : Rajiv Narain Raina, J

Bench : Single Bench

Advocate : Tribhuvan Dahiya, for the Appellant;

Final Decision : Dismissed

Judgement

Rajiv Narain Raina, J.—Learned counsel for the petitioners relies on the decision of the Supreme Court in Deepak Agarwal and Another Vs. State of Uttar Pradesh and Others, in which the Supreme Court has held that there is no rule of universal or absolute application that vacancies are to be filled invariably by law existing on the date when vacancy arises. By operation of amended rules chances of promotion are reduced or adversely affected. It cannot be said that persons have a vested right to be promoted. Therefore, the first argument of the learned counsel for the petitioners based on the principles of old vacancies- old rules is rejected. The second argument of the learned counsel for the petitioners that note in Appendix B to Rule 7 of the Haryana State Education School Cadre (Group-B) Service Rules, 2012 notified on 11.04.2012 permits exemption from passing the HTET/B.Ed for direct recruits for teachers working in privately managed Government aided/recognized and Government schools and further relaxation with respect to B.Ed is a matter of policy and, therefore, there cannot be no discrimination between promotees and direct recruits. This is a matter of policy where Court interference may be intolerable. So long there appears to be reasonable classification between the two groups, the challenge on grounds of unreasonableness and on the touchstone of Articles 14 & 16 deserves to fail.

When Government acts in exercise of its power of relaxation, it is guided by administrative exigencies of service. If the petitioners feel aggrieved, they would remain at liberty to persuade the Government to consider relaxation of rules to avoid any hardship felt.

2. For the above reasons, this writ petition is dismissed.