



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

CWP-6665-2025(O&M)
Decided On: 06.05.2025

JAI PARKASH MALIK

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA J.(Oral)

CM-6716-CWP-2025

For the reasons stated in the application, the same is allowed. Rules 82, 83, 163 as well as Appendix 'A' of the Haryana School Education Rules, 2003, and B.Ed. marksheet are taken on record as Annexures P-15 and P-16, subject to all just exceptions.

Main Case

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 10.01.2025, Annexure P-14, whereby the petitioner's request for reinstatement as School Principal with effect from 31.12.2005, has been rejected.

2. Learned counsel contends that the petitioner was appointed as S. S. Master/TGT Hindi with effect from 03.08.1978 and worked as such in the third respondent/School upto 1988. The School Management advertised the post of Principal on 22.06.2005, he applied in response thereto and was selected. The Management thereafter sought approval for appointment from



the second respondent/Director, Secondary Education, vide letter dated 23.08.2005, and after grant of approval vide letter dated 28.12.2005, appointment letter as School Principal was issued to the petitioner on 30.12.2005. It is claimed that he joined as such on the same date. However, vide order dated 30.12.2005, the Director withdrew the approval of petitioner's appointment, leading to withdrawal of the appointment letter vide communication dated 31.12.2005. Pursuant to direction by this Court vide order dated 03.04.2024, passed in CWP-10337-2007, the petitioner was heard and a fresh order, dated 10.01.2025, was passed which is under challenge.

2.1. Learned counsel further contends that the ground of rejection is not sustainable as the petitioner, though working as S. S. Master was teaching secondary and senior secondary classes with the permission of District Education Officer (DEO) as there was no sanctioned post of PGT in the School. He has also worked as shift incharge under two shifts system. In a confidential letter, dated 23.08.2005, sent by the President of School Management to the second respondent it has been stated that the petitioner fulfills eligibility criteria for the post of Principal. Accordingly, he could not have been considered ineligible for the post which is the basis of passing the impugned order.

3. Heard.

4. A perusal of the impugned order shows that the petitioner's request has been declined on the ground that he did not fulfill the essential qualifications for the post of Principal as laid down in the Haryana School Education Rules, 2003, which are as under:

- (i) M.A./M.Sc./M.Com Second Division
- (ii) B.T./B.Ed. or its equivalent



Eight years teaching experience after B.T./B.Ed. Out of which two years' experience should be in an administrative capacity as Head of High/Middle School. In case of Lecturer, eight years teaching experience.

Apparently, a candidate for the post in question is required to have minimum eight years teaching experience after B.T./B.Ed., out of which two years' experience should be in an administrative capacity as Head of High/Middle School. The petitioner does not possess the requisite administrative experience as he has never worked as Head of High/Middle School. Being shift incharge under two shifts system, is not akin to having two years experience as administrative head of High/Middle School. This essential requirement of administrative experience has been done away only in the case of Lecturer with eight years teaching experience. There is no material on record to establish that the petitioner was ever appointed as Lecturer. Merely because he was assigned secondary and senior secondary classes for some time, would not make him Lecturer. Accordingly, no exception can be taken to the impugned order dated 10.01.2025.

5. In view thereof, there is no ground to entertain the present petition and it stands dismissed *in limine*.

06.05.2025

Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No