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**GOVERNMENT OF HARYANA
SCHOOL EDUCATION DEPARTMENT
ORDER**

ORDER NO. 13/6-2015 PGT-II (3)


DATED, CHANDIGARH, THE

Whereas Civil Writ Petition No. 692 of 2015 was filed by Sh. Ashwani Kumar and others in the Hon'ble Punjab and Haryana High Court for quashing the seniority list of Lecturer (School Cadre) as finalised on 01.10.2011 which was issued and circulated by the respondent No. 2 (Director, Secondary Education, Haryana) on 07.11.2014 without following the principle of natural justice, wherein the petitioners have been shown junior to the persons who had been shown below the petitioners in the provisional seniority list issued on 07.11.2014 and also prayed to reconstruct the seniority list taking into consideration, the date of entry into the service of the petitioners and merit list of selection of the lecturer after adopting the principle of natural justice. This writ petition was disposed of by the Hon'ble Punjab and Haryana High Court on 08.04.2015 with the following directions:-

"In case the petitioners/private respondents/effectuated persons file the objections to the tentative seniority list, the same shall be considered and decided by the respondents passing a detailed and reasoned order in accordance with law. In essence, petitioners shall be given opportunity of hearing.

Till the seniority list is finalized, in order to avoid the complicity and anomalous situation, much less, discrimination, the State shall not take any action in pursuance to the impugned seniority list;

It is expected that the State shall undertake the exercise of considering the directions within a reasonable time, preferably within a period of three months."

 In response to the above said directions of the Hon'ble Court, the Department received 188 representations from employees, which were duly considered and after going through various objections and arguments put forth at the time of personal hearing, provisions of Haryana State Service, (School Cadre) Group III Service Rules, 1998 and Haryana State Education Lecturer (School Cadre) Service Rules, 2012, various instructions issued by Government from time to time and various parameters fixed from time to time, I order to fix the seniority of Lecturers as per logic given below:-

A brief history of the case is that in November, 1990 the Haryana Government advertised 4031 posts of different teaching categories, after taken these posts, out of the preview of the Subordinate Service Selection Board, Haryana. To conduct the process of selection, the Haryana Education Department, constituted various departmental committees to interview the candidates. As a consequence, 5070 lecturers, teachers and masters were selected and appointed against these posts on different dates.

Subsequently, this selection was challenged by some of the unsuccessful candidates in the Hon'ble Punjab and Haryana High Court in CWP No. 423 of 1992, titled as Anshu Jain Vs. Ramesh Chander & others. The Divisional Bench of the Hon'ble Court quashed the above selection vide its judgement dated 07.02.1992. The judgement of the Hon'ble Punjab and Haryana High Court was further challenged by way of Special Leave Petition Nos. 4275 of 1992 and 5519 of 1992 etc before the Hon'ble Supreme Court of India, which was disposed of by the Hon'ble Court with the following directions:-

- 1) **5070 candidates selected and already appointed as a result of the impugned selection shall be deemed to have been regularly selected and appointed to their respective posts with all the benefits to which they are entitled under the service rules, regulations and instructions.**
- 2) **Mr. Kapil Sibal has informed us that as on today there are 2015, 275, 47, 592 and 33 vacancies available in the cadres of J.B.T. teachers, masters Secondary School, Lecturers Secondary School, C & V teachers and Social Study teachers respectively. The State of Haryana shall constitute committee to interview all those candidates, who were called for interview by the earlier Committees and were not selected. These candidates shall be called for interview by individual notices or by public notices as the State Government deem fit.**
- 3) **A merit list of the candidates shall be prepared as a result of the interview category wise. The criteria for viva voce test shall be the same as adopted in the earlier selection.**
- 4) **The existing vacancies in the cadres of JBT, teachers, masters Secondary School, Lecturer Secondary Schools, C & V Teachers and Social Study teachers shall be filled by the State Government within one month of the preparation of the merit list. The merit list shall remain alive and operative for a period of one year after the date of its preparation and all the vacancies in the above cadres which may become available during the said period of one year shall be filled only from out of the said merit list.**

In response to the above directions of the Hon'ble Supreme Court of India, a fresh selection process was started through the Department Selection Committee against the vacancies, which were available at that time after the joining of 5070 earlier selected candidates of different categories. During the period from February, 1993 to April, 1994, 519 appointment orders were issued appointing PGTs against the available vacancies and vacancies that subsequently occurred within a period of one year.

It is necessary to mention here that there is no dispute regarding the seniority of Lecturers, who were appointed earlier to the Hon'ble Supreme Court directions. The dispute is simply regarding the seniority of those 519 Lecturers, who

were appointed after the Hon'ble Supreme Court directions on different dates against the available vacancies.

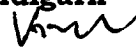
Though these appointments were made on different dates and PGTs in different streams joined on different dates, but the entire process of selection in this period was an integrated process of selection, irrespective of appointment letters having been issued on different dates. Therefore, the inter-se seniority of all the appointees is to be determined on the basis of the overall merit list prepared as per their selection. The earlier seniority list as it stood on 01.10.2011 was prepared on the basis of roster point, which was not justified. Thus, this seniority list prepared on the basis of roster points is set aside and seniority list has been re-cast on the basis of inter-se position in overall merit list. If, there is a gap in the merit list in respect of any appointed candidate, he/she will be placed at the bottom of the merit list. If more than one such candidate is found to having gap in merit, then age will determine inter se position where they will be placed vis-a-vis each other.

Those who have objected to the existing seniority list on the basis of claim of date of joining also have no valid or legal claim, because to determine the seniority, inter-se position of the candidates in overall merit list is required to be taken into account. Hence, their representations are rejected on this count. The redrawn and approved seniority list of No. 667 to 1185 in the present seniority list is annexed.



(P.K. DAS)

**Additional Chief Secretary to Govt. Haryana,
School Education Department
Chandigarh**



Regd.

To

1. Sh. Ashwani Kumar, Lecturer Hindi, GSSS Narnaul (Mahendergarh) & Others as per CWP No. 692 of 2015.
2. For information of all concerned representationists and a copy be posted on the website of the Department.

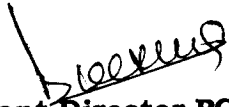
OFFICE OF DIRECTOR, SECONDARY EDUCATION, HARYANA, PANCHKULA

Endst No. Even

Dated, Panchkula, the 23-12-2016

A copy is forwarded to the following for information and necessary action:-

1. The District Education Officer, Narnaul.
2. The District Education Officer, Gurgaon
3. The Principal, DIET, Mahendergarh.
4. The Principal Concerned.



**Assistant Director PGTs
for Director, Secondary Education,
Haryana, Panchkula**