

ITEM NO.41

COURT NO.7

SECTION IVB

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5452/2009

(From the judgement and order dated 03/03/2008 in CWP  
No.16674/2006 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BHANWAR SINGH & ORS. Petitioner(s)  
VERSUS  
BAHADUR SINGH & ORS. Respondent(s)

(With appln(s) for exemption from filing O.T. and permission to  
file addl. documents and with prayer for interim relief and office  
report)

WITH

SLP(C) NO. 5453-5459 of 2009

(With prayer for interim relief and office report)

SLP(C) NO. 12701-12707 of 2009

(With prayer for interim relief and office report)

SLP(C) NO. 12708-12714 of 2009

(With office report)

SLP(C) NO. 34904 of 2010

(With appln.(s) for exemption from filing O.T.)

Date: 23/09/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Jasbir Singh Malik, Adv.  
Mr.Digamber Sharma, Adv.  
Mr. S.K. Sabharwal,A.O.R.(Not Present)

Mr.Hiren Dasan, Adv.  
Mr.Rajnish Gupta, Adv.  
Mr.Dhirendra Kr.Mishra, Adv.  
Mrs.Sarla Chandra, A.O.R.(Not Present)

For Respondent(s) Mr.Manjit Singh, AAG  
Ms.Vivekta Singh, Adv.  
Mr.Tarjit Singh, Adv.  
Mr.Gaurav Teotia, Adv.  
Mr.Sanjeev Kumar, Adv.  
Mr. Kamal Mohan Gupta,A.O.R.(Not Present)

Mr. P. S. Misra, Sr. Advocate  
Mr. Prem Malhotra,Adv.

2

Mr. Shish Pal Laler, Adv.  
Mr. Balbir Singh Gupta, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Of the above noted five petitions, the first four have  
been filed for setting aside order dated 03.03.2008 passed by the  
Division Bench of the Punjab and Haryana High Court whereby the  
official respondents were directed to consider the cases of the  
writ petitioners for promotion to the post of Headmaster, High

School. The fifth petition has been filed for setting aside order dated 17.09.2010 passed in CM 18347 of 2009 in CWP No. 16674 of 2006 whereby the High Court, after taking cognizance of the averments contained in the affidavit filed on behalf of the department, disposed of the application as infructuous.

We have heard learned counsel for the parties at some length and perused the record.

In our view, the impugned orders do not suffer from any legal infirmity requiring interference under Article 136 of the Constitution, but, at the same time, we are convinced that the High Court was not justified in giving a general direction for consideration of the cases of all other Sanskrit Teachers working in the Education Department, who possess qualification equivalent to B.T./B.Ed. for promotion to the post of Headmaster, High School.

The special leave petitions are accordingly disposed of in the following terms:

(i) The directions given by the High Court for consideration of the cases of the Writ petitioners for promotion to the post of Headmaster, High School is confirmed.

(ii) The omnibus direction was given by the High Court for consideration of the cases of all other Sanskrit Teachers working in the department, who possess qualification equivalent to B.T./B.Ed. and have the requisite experience for promotion to the post of Headmaster, High school is set aside.

However, it is made clear that this order shall not preclude other persons claiming to be eligible for promotion to the post of Headmaster, High School to seek appropriate remedy.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master