

**OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION
(SECONDARY EDUCATION) PUNJAB,**

Order No. 12/9-19 Estt.-III (H-2),

Dated, SAS Nagar :

Where as Sh. Satwinder Singh aged about 54 years s/o Hardyal singh, presently posted as Headmaster Govt. High School, Mode, District Amritsar r/o 412-A, Near Cold store wali Gali, New sant Nagar, Timo Road, Distt Gurdaspur filed a Civil Writ petition No 3672 of 2019 titled as Satwinder Singh V/S State of Punjab and others" and had prayed for "issuance of a writ order or direction especiaaly in the nature of a Writ of certiorari for setting aside the seniority list dated 01-5-2018 i.e Annexure P-3, and the supplementary seniority list dated 03-01-2019 i.e Annexure P-6, whereby the petitioner has been given seniority w.e.f 15-01-2010 i.e from the date of appointment, whereas similar situated candidates have been given antedated seniority on the basis of their performance/marks in the recruitment process.

Petitioner had further prayed for issuance of writ of mandamus directing the respondents to grant the seniority and all consequential benefits from the date, it was given to candidate Jasvir Singh as well as respondents no.3 to 28 on the basis of performance/marks in the recruitment process and further to promote the petitioner in PES cadre as principal along with all consequential benefits." The above said writ petition was disposed of on 11-2-2019 by Hon'ble High Court .The Hon'ble Court was pleased to pass the following Order:-

"Learned counsel submits that for the grievance erred in this petition, petitioner has already served legal notice, Annexure P-5 on the concerned authority."

On the asking of the court, Ms. Anu Chatharth, Addl A.G, Punjab, who is present in court accepts notice on behalf of the state. She submit s that in

case, Legal notice, Annexure P-5 has been received in the office of concerned authority, it shall be considered and a speaking order shall be passed thereon at the earliest in any case, not later than six weeks. If felt necessary, personal hearing shall also be granted to the petitioner.

In view of statement made by learned state counsel, no further direction is necessary. Petition is hereby disposed of."

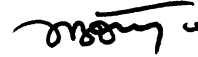
In due compliance of the orders of Hon'ble High Court the Legal Notice dated 10-9-18 (Annexure P-5) thoroughly perused by the department. The precise grievance of the petitioner is that the Petitioner is entitled for Promotion with effect from the date his juniors were promoted and further claimed for all financial benefit, relates to this Post. In order to decide the claim of the petitioner the relevant office record was also perused very minutely. It is on the record that petitioner was appointed as Headmaster vide office order No.17/1-18 Estt3(H-2) Dated 07-3-18. The contents of the said office order would reveal that petitioner was appointed by the department on 7-3-18. Later on department reviewed its order dated 27-2-2018 and revised the seniority pertaining to petitioner cadre vide office order dated 27-2-2018 in view of the order of the Hon'ble High court. It is also worth to mention that petitioner earlier filed a Civil Writ Petition no. 9799 of 2011, titled as "Satwinder Singh Vs State Of Punjab & others," petitioner did not claim in the said writ petition that the said benefit be given to him at par one Jasvir Singh, neither petitioner made him party in the said writ petition and claim of the petitioner raised through the Civil Writ Petition no.3672 of 2019 is not sustainable in view of the order 2 rule 2 of civil procedure code, 1908 same is reproduced here under.

"omission to sue for one of several reliefs-A person entitled to more than one relief in respect of the same cause of action may sue for all or any of such

reliefs; but if he omits , except with the relief of the court, to sue for all such relief, he shall not afterwards sue for any relief sue omitted"

After deep consideration, I, MOHAMMAD TAYYAB (I.A.S) Director General School Education Punjab have come to the conclusion that I do not find any illegality in the earlier office order no.7/121-11RC(1) Dated 27-2-2018. Hence claim of the petitioner is not sustainable in the eyes of law and same is rejected accordingly.

This Office Order is being issued in due compliance of the order of Hon'ble High Court passed in CWP No.3672 of 2019 titled as "Satwinder Singh and others".



(MOHAMMAD TAYYAB I.A.S)

Director General School Education Punjab.

Endst. No. Even, 2019432979-81 Dated, SAS Nagar, 20/12/19

A copy of the above is sent to the following for information and necessary action:-

- 1 Secretary to Government of Punjab, Department of School Education, Punjab Civil Secretariat-II, Sector-9, Chandigarh.
- 2 District Education Officer (SE) Amritsar, Gurdaspur.
- 3 Superdendant Writs of Hon'ble Punjab and Haryana High Court.



Assistant Director (HM)

For Director of Public Instruction (SE) Punjab.