

**Office of the Director Public Instructions (S.E.) Punjab**  
(Punjab School Education Board Complex, Phase-8, S.A.S. Nagar)

Order No. 9/131-2018 Estt-3(4)  
Dated, SAS Nagar:-28-05-2019

Keeping in view certain difficulties in preparation of joint seniority of Masters and Mistresses of various subjects, on the recommendations of a Committee constituted for the given purpose, in the year of 2013, it was decided to frame separate seniority of Masters and Mistresses of each subject. However, the said action was challenged in various writ petitions. While deciding CWP No. 185 of 2014 titled as Sweety Badwal and others Vs. State of Punjab and other connected writ petitions, the Hon'ble Punjab and Haryana High Court vide its order and judgement dated 16-12-2016 passed the following directions"

*"In view of the consensus arrived at between the rival parties, this Court does not feel appropriate to examine the lis any further on merits. However, in order to bury the controversy, this Court issues the following directions to respondent No.2/Director Public Instructions (Secondary Education), Punjab being the competent Authority, for strict compliance:*

- i) *A Joint seniority list of all Masters/Mistresses appointed till date i.e 16.12.2016, shall be recasted strictly as per the decision of judgment in Neelam Rani's case (supra) on or before 30.9.2017.*
- ii) *The Seniority list will be framed batch-wise and the appointments made from the first batch will be placed senior to the later one and the inter se seniority between same batch mates will be determined on the basis of inter se merit position of a candidate prepared during selection.*
- iii) .....

2. In compliance with the aforesaid directions of Hon'ble Punjab and Haryana High Court, Vide this office order No 16/3-2017 Estt-2(6), Estt-3(4), dated 12-12-2017, a combined seniority of Masters and Mistresses of various subjects working in the Department of School Education was circulated. The said seniority list was challenged by Sh. Kanwaljit Singh and others by filing CWP No. 3491 of 2018. The said writ petition came up for hearing on 15.2.2018, when, while issuing notice of motion for 19.7.2018, the Hon'ble Court was pleased to pass the following interim order:-



*"Contends that the petitioners have been promoted on the basis of their seniority vide order dated 17-05-2012 (Annexure P-6). The case of the petitioners is covered by the judgment passed by Hon'ble Division Bench of this Court in Neelam Rani Vs State of Punjab reported in 2010 (2) RSJ 70 (P&H) (DB).*

*Notice of Motion for 19-07-2018.*

*The operation and effect of the final seniority list dated 12.12.2017 (Annexure P-12) shall remain stayed till further orders".*

3. In order to consider the contentions put forth by the petitioners of some writ petitions and others and with a view to remove technical deficiencies alleged to have been pointed out by the petitioners and all other relevant factors, the earlier seniority list was withdrawn vide office order No16/3-2017 Estt-2(6), Estt-3(4), dated 08-06-2018. Simultaneously, a Committee consisting of senior officers and officials was constituted vide office order No 16/3-2017 Estt-2(6), Estt-3(4), dated 08-06-2018.

4. While deciding CWP No. 3491 of 2018 titled as Kanwaljit Singh and others Vs. State of Punjab and others, the Hon'ble Punjab and Haryana High Court vide its order and judgement dated 19-07-2018 passed the following directions"

*"Vide order dated 8.6.2018, the seniority list in question was withdrawn by the Department. However, during the course of arguments, it has been pointed out by learned senior counsel that repeatedly the seniority lists are being prepared ignoring the norms those ought to have been taken in framing the seniority. The same question arose in CWP-185 of 2014 titled as "Sweety Badwal and others vs. State of Punjab and others" wherein the guidelines for framing the seniority were issued and it has been entrusted to the committee to reframe the seniority. The Committee is directed to prepare a fresh seniority list as per Rules and directions issued by this Court in CWP -185 of 2014. As large number of employees are involved, the Committee shall make as endeavour to finalise the proceedings expeditiously within three months from today. In order to avoid further another round of litigation' initially a tentative seniority list shall be issued. The aggrieved persons shall have the right to represent. Only after deciding the representation so filed by them, the final seniority list be prepared.*

*Disposed of accordingly,*

*Since, the main petition has been disposed of, all the miscellaneous applications are rendered infructuous."*

5. In compliance with the aforesaid directions of Hon'ble Punjab and Haryana High Court, A tentative seniority list was re-casted strictly adhering to the above said parameters as laid down by the Hon'ble Court and was uploaded at the official website [www.ssapunjab.org](http://www.ssapunjab.org) on 23-08-2018 and 5-11-2018 for inviting objections from all concerned. A public notice was also got published in leading newspapers on 26-08-2018 for seeking objections.

6. Certain objections were also received to the effect that in the year of 1994 and 1996, Masters and Mistresses of various subjects were recruited in response to a single advertisement, therefore, after having clubbed merit of all selected persons of various subjects, a combined merit should be prepared and on the basis of said combined merit, their inter-se seniority be prepared. The said aspect, which constitutes a major portion of objections so received in response to the tentative seniority list, has been looked into in the light of official records. The official records have revealed that in the year 1994 and 1996, the process to recruit Masters and Mistresses of various subjects was initiated by Department. The then Departmental Selection Committee, which was entrusted with the task of making recommendations of eligible and suitable candidates declared results of prospective candidates of various subjects on different dates. The appointments of selected candidates were made in phases on different dates. For example, the result of Math Masters/Mistresses in response to recruitment process initiated in the year of 1994 was declared on 18.11.1996 and appointments were made on 18.12.1996. Similarly, result of Punjabi Masters and Mistresses was declared on 02.01.1997 in response to recruitment process initiated in the year of 1996 and in pursuance of the said selection the appointments were made on 30.1.1997 or thereafter.

7. As per the directions of Hon'ble High Court in CWP No. 185 of 2014 the Seniority list have to framed batch-wise and the appointments made from the first batch will be placed senior to the later one and the inter se seniority between same batch mates will be determined on the basis of inter se merit position of a candidate prepared during selection.

8. In order to frame the seniority list batch-wise in accordance with the directions of the Hon'ble Court, legal opinion regarding the interpretation of the term 'Batch' was sought from within the department. It was opined 'Batch' denotes entire recruitment through one single advertisement. Thus, the persons recruited

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through advertisements published in the year of 1994 and 1996 constitute separate 'Batch' as a single unit for the purpose of determination of their seniority

9. In view of the aforesaid factual and legal position, it is hereby ordered that all those Masters/ Mistresses who were recruited through the Advertisement published in the year of 1994 shall be granted deemed date of their appointments w.e.f. 02-12-1996 and all those Masters/ Mistresses who were recruited through the Advertisement of the year 1996 shall be granted deemed date of their appointment w.e.f. 01-01-1997. Their pay shall be re-fixed from the said deemed dates on notional basis without any payment of arrears in pursuance of the orders of Hon'ble High Court given in CWP No 19832 of 2003 Charan Dass Vs State of Punjab. However, they shall be assigned seniority position in the seniority list on the basis of the ranking/ Merit determined by the recruiting agency at the time of their initial selection.

  
Sukhjeet Pal Singh, PCS  
Director of Public Instruction (S.E.) Punjab.

Endst. No. Even,

Dated: 28/5/2019

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-2, Chandigarh.
2. Director General School Education, Punjab.
3. Director Public Instructions (EE), Punjab.
4. Director S.C.E.R.T, Punjab.
5. Director Public Instructions (SE), UT, Chandigarh.
6. All Principals In-service Training Centres.
7. All District Education Officer, (SE).
8. Manager M.I.S wing, O/o DGSE, Punjab.

  
28/5/19  
Assistant Director (S.A.-3)  
