

DIRECTORATE OF SCHOOL EDUCATION (SECONDARY) PUNJAB, SAS NAGAR  
PSEB COMPLEX, BLOCK-E, 4<sup>TH</sup> FLOOR, PHASE-8, SAS NAGAR, 160062  
(PROMOTION CELL)

File No: 577848-DPISE-ESTP0ESTB/8/2023-PROMOTION-DPISE

Dated SAS Nagar : 14.05.2024

Vide order dated 15.02.2023 passed in CWP 28434 of 2019 titled Harbhajan Singh and others vs. The State of Punjab, the Hon'ble Court set-aside the Seniority list dated 19.06.2019, and directed the respondents to recast a new Master Cadre seniority list. The relevant extract of the order dated 15.02.2023 is reproduced here as under :-

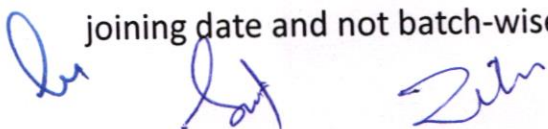
"29. Consequently, all the writ petitions are allowed.

30. The State Government is directed to prepare a fresh seniority list in accordance with the 1978 Rules within a period of 6 months from the date of receipt of a certified copy of this judgment after giving all the affected candidates an opportunity of hearing and filing objections. Moreover, since this batch of writ petitions has been decided without giving hearing to all the affected masters, they shall have liberty to file applications for recall.

31. All the pending miscellaneous applications, if any, are also disposed off."

**Observations of the Hon'ble Court with regard to earlier seniority dated 19.06.2019**

- I. A Joint Seniority list of all the Masters/ Mistresses Cadre (Male / Female) will be created, irrespective of gender and subject.
- II. According to para No. 10 of the decision, the court highlighted that employees were assigned seniority from a date before they officially joined. Thus, the use of a "deemed date" as a mechanism for establishing seniority for such employees is violation of the rules.
- III. As per the para No. 23 of the decision in CWP 28434 of 2019, the court identified the "Deemed Date of Appointment" as a violation of rules. Accordingly, seniority in the Master Cadre should be based on the actual date of Joining (Length of Service and Merit not to be disturbed).
- IV. A combined seniority list should be created for teachers based on their joining date and not batch-wise.



- V. Teachers promoted to the Master Cadre at the same time will have their seniority determined based on their seniority in the previous Feeder Cadre, merit, and as per various issued instructions.

## 2.0 Source of Data

- 2.1 This has never happened that the Department of Education has not maintained the seniority of Master Cadre. The seniority of Master Cadre was established by the department earlier till 1987, which was not challenged in any way but it was not maintained in future, resulting in seniority lists being prepared by the department after 1987 in accordance with various court judgments.
- 2.2 Due to various deficiencies in the seniority list dated 19.06.2019, the same was quashed by the Hon'ble High Court vide order dated 15.02.2023. The seniority list initiated on 19.06.2019, began from the year 1973, without any solid justification for this starting point. In this regard, a committee was constituted by the department to take decision to determine the commencement period of seniority and other relevant parameters. It was decided that the structure of the seniority list for the master cadre should align with the department's records available in both regional and head offices, including details of employees working in the state of Punjab since the formation of Punjab on 01.11.1966.
- 2.3 In order to verify the service record of the employees/officers/retirees, appointment records of various periods were obtained from respective schools under the jurisdiction of the concerned District Education Officer (Secondary), using the seniority lists from different periods as the department's basis, in addition that, the earlier seniority list dated 19.06.2019 and MIS Data of the department, was utilized as available data. Record pertaining to the appointments was acquired from the concerned schools to ensure the accurate confirmation of employees' services in alignment with the quashed seniority data. Based on available records, the officers promoted from the Master Cadre to Lecturer/Head Master/Principal, or selected through direct recruitment, or retired, have also been included in this seniority list.