

OFFICE OF DIRECTOR SCHOOL EDUCATION (ELEMENTARY) PUNJAB
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ORDER

Order No.: E-1101832/ DPIEE-EST202/79/2026-ESTABLISHMENT-2/ I/1443349/2026

Date: 09-07-2026

1. Smt. Rajo Bai d/o Sh. Balwant Rai and 51 others had filed Civil Writ Petition No. 4368 of 2026 in the Hon'ble Punjab and Haryana High Court, wherein, they had prayed for directing the respondents to grant all consequential benefits including seniority and pay at par with their counterparts recruited under the Advertisement dated 30.07.2021 (Annexure P-2). The Hon'ble Court, disposed of the said writ petition vide its order dated 19-02-2026. The relevant part of order dated 19.02.2026 is reproduced here as under:-

*" 5. In view of the above and without commenting upon the merits of the case, the present petition is hereby disposed of with a direction to respondent No.2 to consider and decide the legal notice dated 12.12.2025 (Annexure P-7) served by the petitioners, in accordance with law/rules, within a period of 04 months from the date of receipt of certified copy of this order.
6. Pending application(s), if any, shall also stand(s) disposed of."*

2. In due compliance of the above said order dated 19.02.2026 of Hon'ble High Court, the legal notice dated 12.12.2025 (Annexure P-7) served by the petitioners has been examined as per law and instructions issued by the government/department from time to time. In the representation, the petitioners have submitted that they had applied for the recruitment of 6635 posts of ETT teachers in response to the advertisement published on 30.07.2021. The petitioners have sought that the respondent department, while dealing with candidates belonging to the EWS category, considered the reservation only as Horizontal Reservation and did not shift the higher merit EWS candidates to the Open Category. Subsequently, in compliance with the judgment dated 14.10.2024 passed in Civil Writ Petition No. 14988 of 2023 and Civil Writ Petition No. 4264 of 2021, such higher merit EWS candidates were shifted to the Open Category and appointment letters were issued to the next eligible candidates. However, candidates having equivalent merit had already been issued appointment letters in the year 2022, due to which the petitioners suffered loss with regard to salary, confirmation of services, seniority, annual increments, implementation of pay commission benefits, etc.

3. I have carefully perused the legal notice dated 12.12.2025 of the petitioners as well as the consequences emerged during the recruitment process. It has been observed that in compliance of the judgment dated 14.10.2024 passed by Hon'ble High court of Punjab and Haryana in Civil Writ Petition No. 14988 of 2023 titled as Rajo Bai and Civil Writ Petition No. 4264 of 2021 titled as Sikandar Singh, the selection lists were re-casted and such candidates of EWS category were shifted to the Open Category and appointment letters were issued to the next eligible candidates applying the reservation for category as "Horizontal as well as vertical reservation". Prior to the aforesaid cases, appointments had been made by treating Clause (8) of Punjab Government Notification/Memo No. 1/3/2019-RC1/700 dated 30.10.2020 as applicable and operative, and by considering the reservation for the EWS category as "Horizontal Reservation." The relevant extract of Clause (8) of the Notification dated 30.10.2020 is reproduced below:-

"8. ADJUSTMENT AGAINST RESERVED VACANCIES:

Persons belonging to EWS who are selected on the basis of merit shall be counted towards the quota meant for EWS reservation."

4. Whereas the petitioners claimed by filing the petition referring to Articles 226/227 of the Constitution of India for quashing Clause (8) of the office memorandum dated 30.10.2020. The Hon'ble Court vide its order dated 14.10.2024 has settled the controversy regarding reservation under the EWS category and passed the judgments accordingly.

"56. Accordingly, the present petitions are allowed. The category-wise merit lists dated 17.07.2020 for the General Category (Code No. 71) and Economically Weaker Section Category (Category Code No. 88) are quashed. Clause 8 of the office memorandum dated 30.10.2020 along with clarification/instructions issued on 18.03.2021, are also set aside.

57. The State is directed to reframe/re-cast the merit list for the appointment to the post of Agriculture Development Officer, by including the petitioners belonging to EWS Category on the basis of their merit and not on account of reservation.

58. It is further clarified that EWS candidates who are selected on the basis of merit and not on account of reservation, are not to be counted towards the quota meant for reservation."

5. In compliance with above said judgments, appointment letters were issued with prospective effect to the petitioners in July 2025 as the recruiting agency i.e.

Education Recruitment Directorate had recommended the names of selected candidates to the Department of School Education (Elementary), Punjab. Consequently, this directorate issued appointment letters to the selected candidates accordingly as per the re-casted selection list. Therefore, all service benefits are to be granted prospectively to these employees from the date of their actual date of appointment in government services.

6. In view of above the claim of the petitioners for the purpose of seniority, consequential benefits and pay at par with their counterparts recruited under advertisement dated 30.07.2021 is not maintainable. Therefore, the claim raised through legal notice dated 12.12.2025 (Annexure P-7) is hereby rejected.

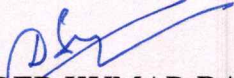
Harkirat Kaur Channe
Director School Education (Elementary)
Punjab

Endst No. DPIEE-EST202/79/2026-ESTABLISHMENT-2-DPIEE I/1443349/2026/1-3

Dated SAS Nagar: 13/07/26

The copy of above is hereby sent to following for information / necessary action: -

1. Secretary to Govt. of Punjab, Department of School Education (Education -7 branch), Civil Secretariat-2, Chandigarh.
2. Concerned District Education Officers (Elementary), Punjab.
3. Concerned Petitioners.


JATINDER KUMAR BANSAL
ASSISTANT DIRECTOR (ESTABLISHMENT-2)

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