

OFFICE OF DIRECTOR SCHOOL EDUCATION (SECONDARY), PUNJAB
Punjab School Education Board Complex, Phase-8, SAS Nagar
(Email ID- ndsadpi@punjabeducation.gov.in)
(Establishment-2 Branch)

202635893

27/2/2026

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Order No: Efile- 913151 Est 2 (3)

Dated, S.A.S Nagar: 26-02-2026

Speaking Order

1. The petitioner Harvinder Singh S/o Sh. Ram Nath, r/o VPO Kharar Rawalbassi, Distt. Hoshiarpur and others filed a CWP No. 28683 of 2013 with a prayer to direct the respondents to fill up unutilized/vacant posts of School Teachers in Master Cadre of Schedule Caste (M&B) category, by transferring the same for filling up through candidates available in the merit/waiting list of S.C. (R&O) category.
2. The Hon'ble Punjab and Haryana High Court disposed of the petition vide its order dated 22.05.2025, which was further modified vide order 21.07.2025 in the CM-9933-CWP-2025. The relevant part of the modified order is reproduced here as under:-

"1. Learned counsel for the parties state that SLP (C) No.23507-2010 converted into Civil Appeal No. 002317-2011 now stands decided on 01.08.2024, in view of which learned State counsel submits that the respondents would take necessary action in terms thereof within a period of 6 months, which satisfies the learned counsel for the petitioners.

2. Disposed of accordingly."
3. In compliance of the above said order I have thoroughly gone through the contents of the above case, representation filed and relevant record pertaining to the claim of the petitioner. According to the factual matrix of the case, in the year 2011, the respondent department issued 3442 posts for master cadre, out of which 863 posts were designated for Hindi subject teachers. The breakup of the reserved posts for the SC category for Hindi subject teachers was as- 86 posts for SC (R&O)

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category and 87 posts for SC(M&B). The petitioners applied for the same posts under their respective categories and participated in the recruitment process.

4. That, it is noteworthy that the validity of Section 4(5) of the "*Punjab Scheduled Caste and Backward Classes (Reservation in Services) Act, 2006*", which provided for reservation of 50% seats for SC(M&B), was under challenge in the Hon'ble Supreme Court in SLP (C) No.23507-2010 converted into Civil Appeal No. 002317-2011. The matter was decided by a 7 Judge bench of the Supreme Court vide judgement dated 01.08.2024. The Hon'ble Supreme Court upheld the sub-classification within the Scheduled castes and the vires of Section 4(5) of the 2006 Act were also upheld. The relevant extract of the judgment is reproduced hereunder:-

"a. Article 14 of the Constitution permits sub-classification of a class which is not similarly situated for the purpose of the law. The Court while testing the validity of sub-classification must determine if the class is a homogenous integrated class for fulfilling the objective of the sub-classification. If the class is not integrated for the purpose, the class can be further classified upon the fulfillment of the two-prong intelligible differentia standard;

b. In Indra Sawhney (supra), this Court did not limit the application of sub classification only to the Other Backward Class. This Court upheld the application of the principle to beneficiary classes under Articles 15(4) and 16(4);

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e. Historical and empirical evidence demonstrates that the Scheduled Castes are a socially heterogenous class. Thus, the State in exercise of the power under Articles 15(4) and 16(4) can further classify the Scheduled Castes if (a) there is a rational principle for differentiation; and (b) the rational principle has a nexus with the purpose of sub-classification"

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5. That, after the matter was settled by the Hon'ble Supreme Court, the prayer of the petitioner was considered in light of it. It is noteworthy that after the culmination of the recruitment process, in the category of SC(M&B), only 26 candidates were found eligible and meritorious and accordingly those many seats were filled and 61 seats were kept vacant. The unfilled posts in the 3442 master cadre recruitment including the unfilled posts in the SC(M&B) category were carried forward in the subsequently notified recruitments of 5178 posts master cadre and 6060 posts master cadre. Accordingly, the unfilled 61 seats in the SC(M&B) category of 3442 master cadre were not vacant thereafter and as of now, all the seats have been filled up.

6. After due consideration of the facts, circumstances and legal position of the case it can be concluded that since the unfilled seats have already been carried forward and filled in the subsequent recruitments, therefore there is no scope of conversion of the unfilled seats of SC(M&B) into SC (R&O) seats. Hence, the claim of the petitioner is hereby rejected.

Gurinder Singh Sodhi, PCS
Director School Education (Secondary), Punjab

Dated, S.A.S Nagar: 27-02-2026

Endorsement No : -Even-202656348

A copy of the order is forwarded to the followings for necessary action and information:-

1. All concerned District Education Officer(SE) Punjab are directed to supply the copy of this order to the concerned employee.
2. Employees concerned through concerned District Education Officer (SE) Punjab


Assistant Director

O/o Director School Education (Secondary) Punjab

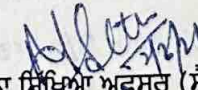
Attached: Petitioners List

ਦਫਤਰ ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ) ਬਠਿੰਡਾ

ਪਿੱਠ ਅੰਕਣ ਨੰ: ਅ-1/1()2026/1007

ਮਿਤੀ 02.02.2026

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ (Speaking Order- CWP 28683 of 2013) ਸਬੰਧਤ ਸਕੂਲ ਮੁੱਖੀਆਂ ਨੂੰ ਭੇਜਕੇ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਹੁਕਮਾਂ ਅਨੁਸਾਰ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਕਰਨੀ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ ਅਤੇ ਰਿਪੋਰਟ ਇਸ ਦਫਤਰ ਨੂੰ ਭੇਜੀ ਜਾਵੇ।


ਜਿਲ੍ਹਾ ਸਿੱਖਿਆ ਅਫਸਰ (ਸੈ.ਸਿ)
ਬਠਿੰਡਾ

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 28683 /2013

1. Harvinder Singh S/o Ram Nath, VPO Kharar Rawalbassi, Distt. Hoshiarpur, Punjab, Pin-146108.
2. Sunita Devi W/o Parveen Kumar, Vill. Pandori, P/o Lamin, Teh. Mukuerian, Distt. Hoshiarpur, Pin-144205.
3. Shashi Bala D/o Beas Dev, Vill (Moh) Nagar, PO-Datarpur, Teh. Mukuerian, Distt. Hoshiarpur, Pin-144222.
4. Nirmala Devi W/o Jaswant Singh, Vill-Balour, P/O-Bharath Kazi Chack, Teh. & Distt. Pathankot, Punjab.
5. Pinki D/o Roop Lal, Villo-Purana Bhangala, P/o-Bhangala, Teh- Mukuerian, Distt. Hoshiarpur, Punjab, Pin-144306.
6. Sunil S/o Sudesh Kumar, Vill-Halla, Near Gurdwara, P/o, Teh. & Distt. Gurdaspur, Punjab-143521.
7. Amandeep Kaur D/o Baldev Singh VPO-Kotlallu, Teh. & Distt. Mansa, Punjab, Pin-151505
8. Sandhira W/o Rajinder Pal, VPO Daroli Kalan, Distt. Jalandhar, Punjab Pin-144104.
9. Kanchan Bali D/o Mohinder Pal Bali, Vill. Mubarkpur, P/o-Alachaur, Teh. Nawanshehar, Distt-SBS Nagar, Punjab.
10. Kamaldeep Kaur D/o Tulsu Ram, VPO-Balial, Teh-Bhawanigarh, Distt. Sangrur Punjab.
11. Pooja W/o Jivan Lal, Vill. Ram Nagar Dheha, P/o Mandialan, Teh. & Distt. Hoshiarpur Punjab
12. Kanchan Rani W/o Sukhdev Singh, Back side Desh Bhagat Technical College, Mohalla-New Fatehgarh, Hoshiarpur Punjab.
13. Balvir Kaur D/o Prem Sagar, Vill-Chak Raju Singh, P/o Sandhra, Distt. Hoshiarpur, Punjab, Pin-144105.
14. Manjatinder Kaur D/o-Gurmail Singh. House No 23 Ward No. 1, Naga-

16. Sukhwinder Singh S/o Pala Ram VPO-Rahon, Mohalla-Ravidasspura (Makbra), The. Nawanshahr, Distt-SBS Nagar Punjab Pin144517.

...Petitioners

Versus

1. State of Punjab through Principal Secretary, Department of Education, Punjab Civil Secretariat, Chandigarh.
2. Director, Education Department (Secondary), Punjab, Punjab School Education Board Complex, Phase-8, S.A.S. Nagar.

....Respondents.