

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.M. No.15872 of 2015 in/and
CWP No.1038 of 2015
Date of decision: 9.12.2015**

Gurpiar Singh & ors. ... Petitioners
Versus

State of Punjab & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Lal Singh Sandhu, Advocate,
for the petitioners.

Mr. Harkesh Manuja, Addl.A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. C.M. No.15872 of 2015 is presented by the learned counsel for the petitioners praying for disposal of the main case in terms of decision rendered in CWP No.12732 of 2012, Tarandeep Kaur & ors. v. State of Punjab & ors. on 4.9.2015 (copy Annexure A-1).

2. Mr. Manuja on instructions from the Government department states that the matter is indeed covered by the aforesaid decision.

3. In view of above, the application is allowed and the main case is taken up for final disposal and is ordered to stand disposed of in the same terms as in CWP No.12732 of 2012 but with the note of caution as contended by Mr. Manuja that though the present petition deals with teachers in the Rashtriya Madhyamik Sikhiya Abhiyan while *Tarandeep Kaur* case involved regular teachers appointed under the Sarv Siksha

Abhiyan. In the prayer clause, the petitioners have sought parity with regular teachers working with the Department of Education in Primary/Elementary Schools on the ground that the petitioners are performing similar duties and responsibilities as are performed by regular teachers posted in Elementary Schools in Punjab. Mr. Manuja concedes after drawing the insignificant difference between the two cases, that the cases of the present petitioners will be duly considered in the context of the Schemes and in the light of the decision of this Court in the above writ petition, but not as prayed for in Clause 2 of para. 33 of the petition which is deficient in drafting skill. Since the body of the writ petition and the inadequate prayer clause do not match in material respects, it is not found necessary to call upon the petitioners to amend their prayer clause as that would be a sheer waste of time and on the other hand, it is deemed fit to dispose of the petition in terms of the aforesaid decision without letting technicalities come in the way.

4. The petition stands disposed of ad idem in terms of order A-1 passed in *Tarandeep Kaur* case(supra).

**(RAJIV NARAIN RAINA)
JUDGE**

9.12.2015
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