
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.2729 of 2012

Date of decision: 28.11.2015

Anju Bala

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: None for the petitioner.

Mr. L.S.Virk, Addl. Advocate General, Punjab.

Mr. Anupam Singla, Advocate for respondent no.2.

Mr. Sushant Sharma, Advocate for respondent no.7

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the order dated 20.1.2012 (Annexure P/6) passed by respondent no.4 whereby the petitioner's service as Education Volunteer had been dispensed with.

It is the pleaded case of the petitioner that she was appointed after calling applications on 7.1.2008 by the Village Educational Development Committee. The termination has been done on the basis of enquiry conducted by the Deputy Commissioner, Gurdaspur in which the petitioner was never associated with.

In the written statement filed by respondent no.2, the plea taken was that the appointment of Education Volunteers is a stop gap arrangement to tide over the shortage of teachers in schools. On a complaint made by respondent no.7 that she was higher in merit, the matter was looked into by the Deputy Commissioner, Gurdaspur. A report dated 7.1.2011(Annexure P/5) was given that the merit list prepared was wrong. It was in such circumstances, services of the petitioner were dispensed with. It is further submitted that in view of the guidelines of the NCTE and in view of the policy decision dated 18.7.2011 no fresh appointment was to be made after 29.4.2011.

A perusal of the report of the Deputy Commissioner, Gurdaspur would go on to show that the petitioner had appended the MA

degree on the basis of result declared on 18.8.2008 which was after the receipt of the application on 6.1.2008. Therefore the benefit of the marks obtained in MA were not to be given and respondent no.7 would come higher in merit on the strength of marks obtained in B.A. Part I examination and B.Ed. It was also noticed that the certificate of the said respondent which was attached with the application had been misplaced and therefore, she had been discriminated against.

Thus, it is apparent that the preparation of the merit list itself is shrouded with fraud. Nothing has been brought on record to show that the certificate of M.A. was prior to the date of appointment. In such circumstances, the appointment on stop gap arrangement was made on the basis of wrong premise and therefore, the petitioner's service has been rightly dispensed with.

Even otherwise, it is now matter of record that in view of the policy dated 18.7.2011, no fresh appointment of Education Volunteer has to be made after 29.4.2011. Therefore, there is no scope for interference in the present writ petition in exercise of jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present writ petition is dismissed.

November 28, 2015
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(G.S.SANDHAWALIA)
Judge