

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

**CWP No.20596 of 2015
Date of decision: 05.10.2015**

Sunil Kumari

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: Mr. Sanjiv Gupta, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

The petitioner was appointed as teacher on regular basis with respondent No.5. At the relevant time when the petitioner was appointed, respondent No.5 was an aided school and used to receive 75% grant-in-aid. Subsequently, on an application filed by the School, the grant-in-aid was ordered to be withdrawn vide order dated 26.06.1994.

Haryana State Adhyapak Sangh through its Secretary Sh. Ram Dutt Sharma on behalf of the teachers of the School had filed CWP No.15161 of 1994 impugning the order dated 26.6.1994 wherein the grant-in-aid received by the School was ordered to be withdrawn. That petition was disposed of vide order dated 07.08.1995. The Court took note of the fact that in its application for seeking withdrawal of grant-in-aid received by the School an undertaking was given by the School that the financial capacity of the School was sufficient and it was undertaken that the emoluments of the teaching staff would be fully protected and no

member of the staff would be retired till he attained the age of superannuation and it was in the light of the undertaking that the State had acceded to the request of school for permission of withdrawal of the aid.

The Court stated that there was no provision whereby the teachers association was required to be heard at the time of considering the application for withdrawal of grant especially in the light of the fact that the emoluments of the teaching staff would be protected and that no member of the staff would be retired till he attains the age of superannuation. Accordingly, the petition was dismissed on the ground of *locus standi* of the petitioner.

Learned counsel for the petitioner states that some of the teachers in the School were terminated compelling them to file COCP No.712 of 2010. He states that this Court had directed the reinstatement of the teachers. Pursuant thereto, they were taken back in service and it was directed that the intervening period from the termination till the date of re-joining would be treated as break in service and all terminal benefits as are due to an employee of School shall be admissible to the petitioners. However, the petitioners shall not be entitled to any salary for the said period. In the light of this, the contempt petition was disposed of as infructuous.

Learned counsel states that now the grievance of the petitioner is that she is not being paid the salary and she has been shifted to respondent No.6 which is another School governed by the

same management. He further states that this is in violation of the undertaking given to the Government at the time of consideration of the application for withdrawal of grant-in-aid which undertaking has also been noticed in the order dated 07.08.1995 in CWP NO.15161 of 1994.

Learned counsel for the petitioner states that at this stage he would be satisfied if a direction is issued to respondent No.2 to look into the grievance of the petitioner regarding violation of the undertaking given by the respondent school in its application for withdrawal in grant-in-aid.

Accordingly, without commenting on the merits of the case, the present writ petition is disposed of with a direction to respondent No.2 to look into the grievance of the petitioner with regard to violation of the undertaking given by the respondent-School in its application for withdrawal of the grant-in-aid. The petitioner may submit a detailed representation to respondent No.2, limited to the aforesaid issue within one month. On the said representation being submitted, the respondent No.2 may dispose of the same in accordance with law expeditiously preferably within a period of three months thereafter.

(Harinder Singh Sidhu)
Judge

05.10.2015

Atul