

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.9103 of 2011

Date of decision: 28.11.2015

Babita

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present: Mr. Sushant Sharma, Advocate for the petitioner.

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

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

Mr. Gagandeep Singh, Advocate for
Mr. A.S. Manaise, Advocate for respondent No.8

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks quashing of the appointment of respondent no.7 on account of the fact that she is higher in merit.

In the written statement filed, the plea taken is that the said respondent's service was dispensed with on account of the fact that she was wrongly appointed. The said respondent's challenge has been negated in Civil Writ Petition No.2729 of 2012-Anju Bala Vs. State of Punjab and others vide order of even date. In view of the policy decision taken on 18.7.2011 (Annexure R/2/8) that there is to be no fresh appointment for educational volunteers after 29.4.2011 which has also been noticed by the Division Bench in **LPA No.1459 of 2014-Ramneek Kaur and another Vs. State of Punjab and others** decided on 10.10.2014. The Division Bench has upheld the order of the learned Single Judge in **Civil Writ Petition No.8472 of 2014-Ramneek Kaur and another Vs. State of Punjab and others** decided on 5.5.2014 wherein learned Single Judge declined the prayer for adjustment in view of the policy decision dated 18.7.2011. The Division Bench held as under:-

“In this case, appellants No.1 and 2 were engaged as Education Volunteers under the Sarv Shiksha Abhiyan on 03.05.2010 and 09.02.2011, respectively. They were relieved from their engagement in view of the policy

instructions dated 18.07.2011, which says that all the persons who were working as Education Volunteers may not continue on the said post from 29.04.2011 onwards. Thereafter, both the appellants approached this Court by filing CWP No. 23744 of 2012, which was disposed of with a direction to respondent No.2 to decide the claims of the appellants. In pursuance of the said direction, claims of both the appellants were rejected by respondent No.2 vide order dated 20.02.2013 (Annexure P-11). The said order was challenged by the appellants by filing CWP No. 8472 of 2014, which has been dismissed by the learned Single Judge vide the impugned order dated 05.05.2014, while observing that since the policy regarding engagement of the Education Volunteers has been changed by the State vide new policy dated 18.07.2011, therefore, the appellants have no right to continue in service and to be adjusted in the needy schools of the blocks where they were working. In the order dated 20.02.2013 passed by respondent No.2, it was specifically observed that both the appellants were appointed against the instructions issued by the head office of Sarv Shiksha Abhiyan Authority, as sufficient number of teachers were working in both the schools where they were appointed and there was no requirement of education volunteers in the respective schools. It appears that both the appellants were given back door entry. Therefore, subsequently their services were dispensed with in view of the new policy, whereby the State ceased the system of keeping Education Volunteers. Thus, we are of the opinion that the learned Single Judge has rightly dismissed the writ petition while observing that the appellants have no right to be adjusted in the needy schools against the post of teachers.”

Keeping in view the above, the petitioner at this stage cannot be granted any relief against the post which has now been vacated by respondent no.7.

Accordingly, the present writ petition is dismissed.

November 28, 2015
Pka

(G.S.SANDHAWALIA)
Judge

PRADEEP KUMAR ARORA
2015.11.30 10:44
I attest to the accuracy and integrity
of this document
Punjab and Haryana High Court,
Chandigarh