

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22884 of 2015

Date of Decision: 10.12.2015

Maninder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present: Mr. S.K.S. Bedi, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.

1. This writ petition has been filed without impugning an order. In absence of an order under challenge, ordinarily, a writ petition is not maintainable. On facts, the period of teaching work rendered on hourly basis by the petitioner as a teacher in desultory periods spanning August 23, 2010 till January 2015. The petitioner is no longer in service. She does not impugn her disengagement in this petition. The claim is restricted to re-engagement. The dislocation took place when the petitioner married and applied for maternity leave. On her return, she was not allowed to re-join duty as teacher paid by the hour at Government Polytechnic College, Bhikhiwind, District Tarn Taran (Punjab).

2. Given that the petitioner has served the institution from August 23, 2010 till January 2015, Mr. Bedi may be right that at least a direction

should go to the respondents to consider her case or to supply her the reason why her services are no longer required. The Government Polytechnic College, Bhikhiwind is stated to be a Government institution and is an authority within the meaning of Articles 12 & 226 of the Constitution of India. The institution is bound to act fairly, evenhandedly and non-arbitrarily and may be obliged to at least disclose reasons as to why the petitioner should not be re-employed in the capacity last served.

3. The bulwark of the rule of law rests on the cornerstone of the edifice of reasonableness and reasonableness demands reasons and reasons demand fair play and fairness-in-action demands due thought paid while reflecting on other peoples woes while taking decisions that affect their civil rights in a civil society. On these premises, and even though the writ is not strictly maintainable in the present form yet this Court thinks fit to issue a direction to the decision-maker amongst the respondents to consider and decide the request of the petitioner in terms of her representation dated August 03, 2015 (P-2) to consider and decide the same as per law within one month from the date of receipt of certified copy of this order. Nothing said in this order will be deemed to be an expression on the merits of the case. It is expected that the decision will be rational and will deal with all the points pressed so that the petitioner knows where she stands. It will be appreciated if the petitioner is heard in person before the final order is communicated to her. Citizens have a right to know why their lives are being affected or are going to be. This is the minimum guarantee of liberty and the cherished constitutional goal of the right of being informed. Post-decisional hearing must bear the quality of pre-decisional hearing when

little else is possible. Unfortunately, that stage is crossed and the clock cannot be reversed. But the Tick-Tock can still be set aright and tuned to the harmony of the spheres.

4. With these observations, understanding and pious hope, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

10.12.2015
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