

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

CWP No.3974 of 2015
Date of Decision: 09.03.2015

Mandeep Kaur

. . . .Petitioner

Versus

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Kapil Kakkar, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for a writ in the nature of certiorari for quashing the order dated 30.9.2009 by which she has been discharged from her duties on the allegation of being absent from duty and prayed for a writ in the nature of mandamus as well directing respondents No.1 & 2 to conduct a thorough probe in the matter of her removal from service as on the one hand she has been discharged from service on the basis of an order dated 30.9.2009, without following any proper procedure of giving an opportunity of hearing and on the other hand, as per enquiry conducted by respondent No.3 in the report dated 27.7.2011, the reason for removal from service has been shown as her resignation which she had never submitted and was an act of conspiracy by her husband with whom she had stained relations.

In brief, the case set up by the petitioner is that she was appointed as Education Volunteer. She joined as such on

17.4.2009 and worked upto 1.8.2009. She wanted to join her duties on 22.8.2009 but she was asked by the Head of the school to wait for another week and report on 1.9.2009, but thereafter, she was not allowed to join her duties. She alleged to have represented to the District Education Officer and thereafter, Director General, School Education, Punjab on 25.11.2009, who asked respondent No.3/District Education Officer (EE), Kapurthala to look into the matter and special enquiry was conducted resulting into a report dated 27.7.2011. Both the impugned order dated 30.9.2009 (Annexure P-6) and the enquiry report dated 27.7.2011 (Annexure P-8) have been challenged beyond a period of three years, therefore, the petitioner has no right or justification to challenge the said orders by way of a writ petition, which could not have been challenged by her even by way of a Civil Suit, which would have been barred after the expiry of three years from the first date of accruable of the cause of action.

In view thereof, I do not find any reason to interfere in this petition.

Dismissed.

09.03.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**