

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13533 of 1995
Date of Decision: 19.02.2016

S.S. Jain Sabha (Registered)

... Petitioner

Versus

State of Punjab and others

... Respondents

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

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

Mr. Vaibhav Sharma, DAG, Punjab.

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

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioner is a school management attributing omission on the part of the Government in not granting 95% aid to the management against an aided post of JBT teacher occupied by one Smt. Subhash Kumari Jain who was appointed against an aided post.

2. Learned counsel for the petitioner submits that Smt. Jain filed a suit challenging the order of termination in which she succeeded and was ordered to be reinstated to service. She was not reinstated which led to execution proceedings instituted before the Court. The fate of the execution proceedings is not known on the record of this case. Neither Mr. Vaibhav Sharma, DAG, Punjab is apprised of facts since Mr. Sharma says the management has changed in the meanwhile. Therefore it cannot be said

whether Smt. Jain received any money in execution proceedings. If that is not known the question of reimbursement from grant-in-aid does not arise for consideration.

3. Therefore, this petition is dismissed on the facts presented. However, in case, there are any supervening facts which may tilt the balance, the parties are free to apply in this Court in the disposed of matter for any further directions as may be required to be passed in accordance with law and to avoid any miscarriage of justice even after the disposal of the case.

(RAJIV NARAIN RAINA)
JUDGE

19.02.2016
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