

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

Date of decision: 03.06.2016

CWP No.14892 of 2011 (O&M)

Kavita Verma

...Petitioner

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jaideep Verma, Advocate, for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

Mr. Harsh Bunker, Advocate, for the respondent No.3.

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

RAJIV NARAIN RAINA, J. (ORAL)

CM No.5141 of 2016

In view of the averments made, the instant application is allowed. The writ petition is ordered to be posted for hearing today itself.

CWP No.14892 of 2011

Having heard learned counsel for the parties and having regard to insertion of new Section 8 in the Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979 vide Punjab Act No.18 of 1979, as notified on 16.07.2013, the matter is remanded to the Educational Tribunal, Mohali, Punjab to review the order dated 26.07.2011 (Annex P-6) since the Tribunal would have jurisdiction to hear cases of disputes between the Management of Educational Institutions and their employees.

Since the Educational Tribunal had no jurisdiction over the subject matter in 2011, therefore, it relegated the petitioner-applicant to her remedy before the appropriate available forum. The Tribunal did not express any opinion on the merits of the case since there was no occasion for it to do so.

In view of the nature of the order passed by the Tribunal dated 26.07.2011 and in view of the amendments carried out vide Punjab Act No.18 of 1979 (supra), the petitioner is relegated to the Tribunal.

Consequently, the impugned order is nullified to remove it from the way of the Tribunal to determine the *lis* on merits.

Registry is directed to send the complete file to the Tribunal as early as possible.

Parties to appear before the Educational Tribunal, Mohali, Punjab on 05.07.2016.

Disposed of accordingly.

03.06.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE