

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-20.09.2016

CWP No.22085 of 2013

Inderjit Singh.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Balwinder Singh Sudan, Advocate for the Petitioner.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab.

Ms. Amandeep Sibia, Advocate for respondent no.2.

JASWANT SINGH, J (ORAL)

Challenge in the present writ petition is to the order dated 16.09.2013 Annexure P-12, whereby, the petitioner who was serving as Education Provider under the Sarv Shiksha Abhiyan Authority, Punjab has been dismissed from service.

Learned Counsel for the petitioner contends that even though in the impugned order, there is a reference of a regular inquiry having been conducted and the Inquiry Officer having confirmed the charges, yet the petitioner was never associated with such inquiry and was not even furnished a copy of the inquiry report. It is further contended that the impugned order has been passed in clear violation of the principles of natural justice.

On the other hand, learned State Counsel has argued that as per the revised guidelines issued by the National Council of Teachers Education dated 23.09.2010 and subsequently amended on 29.07.2011, a specific qualification for appointment of teachers has been laid down. According to these instructions, for a person to be eligible for appointment as teacher, it is mandatory to have passed “Teachers Eligibility Test” conducted by the State Government. It has been further pointed out that in another writ petition filed by Education Volunteer Jasjit Kaur bearing CWP No.6832 of 2012, it was alleged that Inderjit Singh (present petitioner) was adjusted as a volunteer by Smt. Rajinder Kaur wife of Kulbir Singh, Block Education Officer, Chamkaur Sahib (mother of the petitioner) and, therefore, his appointment is bad, being result of malafides on part of Smt. Rajinder Kaur. Consequently, a thorough inquiry was conducted which has been detailed in the reply and after giving a show cause notice and receiving reply from the petitioner (which was found unsatisfactory), still another opportunity was given to the petitioner to explain his position by way of personal hearing on 4.9.2013 but he failed to produce any document in his favour to clear his position. In this view of the matter the services of the petitioner were terminated and departmental proceedings were also initiated against Smt. Rajinder Kaur, Block Primary Education Officer (BPEO).

Counsel for the parties heard at length.

Without going into the factual controversy, it is apparent from the record that Education Volunteers were engaged as a stop gap arrangement.

It is further not in dispute that although the petitioner was appointed as Education Volunteer, however, he is not eligible as per the

prescribed norms. Still further, vide the revised Policy dated 29.04.2011 a decision has been taken not to appoint any Education Volunteers w.e.f. 29.04.2011. It is also not in dispute that pursuant to the instructions dated 23.08.2010, a person to be eligible for appointment as a teacher in an elementary school, he/she must have passed “Teacher Eligibility Test” conducted by the State Government as provided by the National Council of Teachers Education by keeping in view the provisions of Right of Children to Free and Compulsory Education Act, 2009. The whole aim is not to compromise the teaching standards at the elementary level.

As far as the contention of the petitioner that no regular inquiry was conducted, is also devoid of any merit in view of the fact that services of the petitioner has been terminated after giving him show cause notice and taking his explanation on the factual aspect as well. Thus, in the opinion of this Court, the action of respondents cannot be termed to be illegal or bad.

Keeping in view the facts taken cumulatively no case for interference is made out.

Dismissed.

(JASWANT SINGH)
JUDGE

September 20, 2016
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes / No</i>
<i>Whether Reportable</i>	<i>Yes / No</i>