

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17929 of 2016
Date of decision:31.8.2016

Rajesh Kumar

... Petitioner

Versus

State of Haryana & anr.

... Respondents

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

Present: Mr. Raje Ram Kaushik, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

There is scant pleading in the petition that the respondent-College, where the petitioner served as a teacher receives grant-in-aid from the Haryana Government. The college ex facie appears to be a privately managed institution affiliated to the Kurukshetra University. Mere affiliation to the Kurukshetra University would not make the body amenable to writ jurisdiction under Article 226 of the Constitution of India. Even the definition of 'Employee' in Chapter-II of the Kurukshetra University Calendar appended to the petition defines the expression 'Employee' to mean any person who is in the whole-time employment of an affiliated College for whom the Govt. grant is payable. If the petitioner falls out of the definition of 'Employee' under the “Rules of Service and Conduct for Employees in Non-Government Recognized Colleges” then merely because the petitioner was deputed by the Kurukshetra University as an Examiner, within its regulations or the University approved appointment would not confer actionable right on the petitioner in challenge to adverse action of the college in proceedings under Article 226 of the Constitution of India.

The petitioner would however remain free to seek his legal

remedies as are available in civil law against the impugned action. Employment in private institution is recognized in law as a contract of personal service which is not specifically enforceable and amenable to judicial review under the Constitution of India within the powers bestowed on this Court which has to remain in the confines of its jurisdiction conferred, See Executive Committee of Vaish Degree College Shamli and others v. Laxmi Narain and others, AIR 1976 SC 888, the leading case on the point. Though nothing is said in the petition as to the status of the College hence this Court assumes that the respondent-College is run by a society and is non-statutory in character short of qualifying as an authority of State within the meaning of Articles 12 and 226 of the Constitution.

Dismissed with the aforesaid liberty.

(RAJIV NARAIN RAINA)
JUDGE

31.08.2016
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Whether speaking/reasoned *Yes / No*

Whether reportable *Yes / No*