

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP No. 2040 of 2016  
Date of decision: 23.04.2016

Veerpal Kaur

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA**

Present: Mr. Deepak Arora, Advocate,  
for the petitioner.

**G.S.SANDHAWALIA, J. (Oral)**

The petitioner seeks the quashing of the order dated 01.12.2009 (Annexure P-4) passed by the Block Primary Education Officer, Ghal Khurd, Ferozepur-respondent no. 4 whereby, her services were terminated. Further prayer has also been made to quash the order dated 19.11.2014 (Annexure P-10) whereby, the petitioner's request for appointment as Education Volunteer has been rejected by respondent no. 2 on the ground that the State has not revived any such scheme whereby similarly situated candidates have been preferred over the present petitioner.

It is not disputed that the petitioner initially was appointed as an Education Volunteer in the year 2009 (Annexure P-2). On account of a complaint being received, her services were dispensed with on 01.12.2009 (Annexures P-3 and P-4). She had approached this Court alongwith others in CWP No. 21632 of 2012. The said case was disposed of on 05.02.2013 in the same terms as ***CWP No. 24978 of 2012, Mandeep Kaur and others***

**vs. State of Punjab and others** decided on 05.02.2013 by holding that the appointment of Education Volunteers was a stop gap arrangement on a purely temporary basis. However, an option was given to the respondents to review or take a fresh policy decision in terms whereof they needed to employ Education Volunteers/teachers with different nomenclature but possessing same qualifications and the petitioners were to be given preferential treatment. The relevant portion of the order in *Mandeep Kaur's case (supra)* reads thus:-

*“Appointment of Education Volunteers was a stop gap arrangement on purely temporary basis and they were to be relieved on coming back of Block Resource Persons, who were on deputation creating temporary vacancies against these posts, who were working as regular incumbents. Since these deputationists have returned back and resumed duties, petitioners have been rendered surplus as asserted by the counsel for the respondents. Now, National Council of Teachers Education having laid down specific guidelines and qualifications for appointment of teachers in the light of RTE Act, 2009, petitioners cannot continue in service. Further, in the light of above, new policy instructions dated 18.7.2011 have been issued vide which the system of keeping Education Volunteers stands discontinued w.e.f. 29.4.2011. The claim of the petitioners thus does not survive. However, in the light of order dated 28.2.2012 passed by this Court in **Davinder Pal Kaur's case (supra)**, directions are issued to the respondents that as and when the respondents review and/or take a fresh policy decision in terms whereof they need to employ Education Volunteers/teachers with different nomenclature but possessing same qualifications, in that event, the petitioners will be given preferential*

*treatment with due weightage of their experience which they have gained, if any.*

*The writ petitions are disposed of accordingly.*

Vide the impugned order, the representation for appointment has been now disposed of that no such similarly situated candidates have been preferred over and above the present petitioner.

Counsel for the petitioner has not been able to also point out that there has been any violation of Article 14 of the Constitution of India or that any other similarly situated person has been given the said benefit and that the petitioner has been prejudiced on this account by having been wrongly left out. Therefore, there can be no ground for interference with the reasoning given by respondent no. 2.

Regarding the issue of termination on 01.12.2009, admittedly, the petitioner cannot reagitate the said issue in a subsequent writ petition, as has now been sought to be argued on the ground that the complainants had not come forward and the termination was bad. The petitioner had earlier filed a writ petition which was disposed of without setting aside the said order and thus, the petitioner cannot seek to reopen the said issue again.

Accordingly, the present writ petition is dismissed in limine.

23.04.2016  
shivani

(G.S. SANDHAWALIA)  
JUDGE