

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-22595-2016

Date of decision: 21.11.2016

Navodaya Vidyalaya Samiti and others

..... Petitioners

Versus

Seema and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Satya Pal Jain, Senior Advocate with
Mr. DR Sharma, Advocate for the petitioners.

Mr. Aman Chaudhary, Advocate
for respondent No. 1-Caveator.

AJAY KUMAR MITTAL, J. (ORAL)

1. The petitioners in the present writ petition filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking a writ in the nature of *Certiorari*, quashing the order dated 14.10.2016 (Annexure P-8) passed by respondent No. 3-Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short 'the Tribunal') whereby OA No. 063/0079/2016, filed by respondent No. 1-Seema was allowed.

2. On instructions, learned counsel for petitioners submitted that the order dated 14.10.2016 (Annexure P-8) passed by the Tribunal has been complied with, therefore, the instant petition has been rendered infructuous and may be disposed of as such. However, reference was made to the observations of the Tribunal in para No. 12 to urge that the Tribunal had

adjudicated the matter keeping in view the humanitarian grounds and the medical condition of son of respondent No. 1-Caveator, in such a situation it may not be treated as a precedent. It would be expedient to refer to the relevant observations noticed by the Tribunal in para 12 which are in following terms:-

“12. We have given our careful consideration to the matter. The problem faced by the applicant is indeed a genuine one. Her son is just 6+ and there is nothing on record to show that dedicated transport facility would be available from JNV Fatehpur Rajputa, District Patiala to Navjeevani School of Special Education in Patiala which is stated to be about 15 kms away. It is not feasible for a six year old child suffering from mental disability to perform journey of 15 kms every day to the special school and back on his own. The child is getting the right kind of education required for the disability suffered by him with the support of Prem Ashram, Una, and it is in the interest of the child that his mother should be allowed to continue at JNV District Una for another two years. So far as the respondent No. 5 is concerned, the narration of facts above points quite clearly to she and her husband being accommodated time and again by the NVS to the disadvantage of other employees whose cases for postings at particular station were certainly better than their own. Their earlier adjustments in Chandigarh had to be set aside by the Tribunal and now

again, respondent No. 5 had succeeded in displacing the applicant although she had been accommodated at NVS Patiala after her transfer at JNV, Chandigarh, was set aside by the Tribunal. Although it is sated that daughter of respondent No. 5 also has a medical condition, but it appears that there is no problem in this regard at present and only six monthly review is required by the PGI.”

3. In other words, it was submitted by learned counsel for the petitioners that it may be clarified that the impugned order dated 14.10.2016 (Annexure P-8) passed by the Tribunal, shall only be effective in the case of respondent No. 1-Caveator and shall not act as a precedent for other cases.

4. After hearing learned counsel for the petitioners, perusing the averments made in the present petition and more particularly, keeping in view the facts and circumstances and also observations of the Tribunal in para 12, we dispose of the instant petition as having been rendered infructuous. However, it is clarified that it shall not be treated as a precedent for other cases and the same be decided individually on the facts and circumstances involved therein.

(AJAY KUMAR MITTAL)
JUDGE

November 21, 2016
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No