

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

CWP No.4850 of 2016 (O&M)

Date of decision: 13.06.2016

Aashu Gupta

.....Petitioner

Versus

Galaxy Global Education Trust Group of Institution and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.S. Longia, Advocate,
for the petitioner.

Ritu Bahri, J.

The petitioner is seeking quashing of the termination order dated 06.02.2013 (Annexure P-5) and the order 20.08.2015 (Annexure P-9) passed by the District Judge, Ambala, exercising the powers of Haryana Technical Education Tribunal, whereby appeal against the said order has been dismissed.

The petitioner was appointed as Assistant Professor (ECE) on 14.11.2011 in the faculty of engineering and technology of the respondents. However, her services were terminated vide order/letter dated 06.02.2013 (Annexure P-5) without providing any opportunity of hearing and holding any enquiry. As per curriculum of Kurukshetra University, the load of M.Tech course has to be distributed over a span of five days a week i.e. Monday to Friday. However, the authorities of respondent-institution started conducting classes of M.Tech only on Saturdays and Sundays. In this

regard, an objection was raised by Mr. Satish Saini, Head of the ECE

Department. On account of supporting Mr. Satish Saini, the management started harassing the petitioner and in this background, she was terminated vide order dated 06.02.2013 (Annexure P-5). Against this order, she filed an appeal before the District Judge, Ambala-Education Tribunal. Stand of the respondents before the Tribunal was that they had enclosed a cheque dated 05.02.2013 for a sum of Rs.42,000/- drawn on Punjab National Bank, Tarori, as one month salary of the notice period after deducting the TDS. The said cheque had been received by the petitioner without any protest. Hence, the termination order had attained finality. After her dismissal from the respondent-institution, the petitioner had joined at Devi Dayal Institute of Engineering and Technology, Barwala and thereafter, she joined at Swift Group of Institutions at Rajpura on the post of Assistant Professor on higher slab of salary. It was alleged that the petitioner had been indulged in such activities, which were detrimental to the interest of the students. She was provoking the students against the institution. She extended threats to Mr. Raj Kumar, officiating Director and Dr. S.L. Gupta, Director General, to get them involved in uncalled litigation and criminal cases. A further stand was taken that the petitioner in connivance with Mr. Satish Saini started dictating her terms to the institution and started using students as a tool to fulfill her unlawful conditions. The Tribunal after going through the appointment letter dated 14.11.2011 and the termination order dated 06.02.2013, came to a conclusion that the termination order did not even remotely indicate to any reference of anything offensive against the petitioner (appellant therein). Even though there was reference of certain allegations that the petitioner was working against the interest of the management and created indiscipline in the institution, but in the impugned

petitioner. The allegations contained in the reply could be the motive for the respondents to terminate the services of the petitioner, but those cannot be taken as foundation for passing the termination order. Neither the termination order was containing any offensive material nor it was stigmatic. Another ground for dismissing appeal against the termination order was that the institute where the petitioner was employed was a privately managed unaided institute. It was affiliated with the Kurukshetra University and the contract between the institute and the University, though purely private in character being a Society registered under the Societies Registration Act, 1860, no declaration of continuation in service can be granted in favour of its employee even if the termination of employment is found to be unlawful. The termination order was strictly in accordance with the terms and conditions contained in the appointment letter dated 14.11.2011. Reference was made to a judgment passed by this Court in **Mrs. K. Naqvi Vs. State of Punjab and others**, (2004) ILR (2) (P&H) 11, where in the case of Yadvindra Public School, Sector 51, S.A.S. Nagar (Mohali), which did not receive any aid from the Government and was being run by a Society, it was held that the same was not amenable. It had not been created for public purpose. The employees of the institute were not governed by Punjab Privately Managed Recognised Schools Employees (Security of Service) Act, 1979. The provisions of this Act were attracted only in the case of the employees of Government aided and recognised private schools, which were receiving grant-in-aid from the State Government.

After hearing learned counsel for the parties and going through the facts of the present case, this Court is of the view that the judgment

not require any interference, especially keeping in view that the institute, in which the petitioner was employed, is a privately unaided institute and is merely affiliated with the Kurukshetra University. The termination order has been passed as per the terms and conditions of the appointment letter. Therefore, the same is not a stigmatic order.

No merits.

Dismissed.

13.06.2016
ajp

(RITU BAHRI)
JUDGE