

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

CWP No. 8464 of 2016 (O & M)

Date of decision: 30.05.2016

Dharam Pal

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Vinod Bhardwaj, Advocate,
for the applicant-petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 6547-CWP of 2016

Application for placing on record Annexures P-9 and P-10 is
allowed, subject to all just exceptions.

The same are taken on record.

CWP No. 8464 of 2016

The petitioner seeks reinstatement in service on account of his
discharge from criminal proceedings on 09.01.2007 (Annexure P-1), which
order has further been upheld by the Additional Session Judge, Jalandhar on
11.03.2008 (Annexure P-2). He resultantly seeks reappointment on that
account.

A perusal of the termination order dated 16.01.2003 (Annexure
P-10) would go on to show that the termination was on account of the fact
that he had passed his B.A. from Bharti Shiksha Parishad, Uttar Pradesh,
Lucknow, which was one of the fake institutions. In view of the fact that
the said university was not recognized, the services of the petitioner were

accordingly dispensed with on 16.01.2003 after issuing a show cause notice and calling him for personal hearing. The reason which prevailed with the authority was that once he does not fulfill the prescribed eligibility for the post of JBT/ETT teacher, he has no right to remain in service and was accordingly dismissed. Thus, it is apparent that the petitioner accepted the dismissal order for all these long years and never challenged the same.

Merely because he has been discharged in the year 2007 in criminal proceedings would be no ground for a fresh cause of action. The petitioner had not filed any appeal or approached this Court at that point of time. After 13 years, the said order cannot be subject matter of scrutiny. Even otherwise, as noticed above, proper procedure was followed and the petitioner was granted an opportunity to show whether his qualifications were valid or not. He was not able to satisfy the respondents regarding the said fact. The dismissal order was not on account of any criminal proceedings, on the basis of which, the matter can be again re-examined on the ground of discharge. In such circumstances, no directions can be issued for reconsideration nor the order which has been passed more than a decade back at this stage can be interfered with on the ground of delay and laches.

Accordingly, the present writ petition is dismissed.

30.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE