

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

LPA No. 199 of 2016 (O&M)

DATE OF DECISION : 08.02.2016

State of Haryana and another

.... APPELLANTS

Versus

Mohammad Farooque and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Indresh Goel, Addl. A.G., Haryana,
for the appellants.

* * *

SATISH KUMAR MITTAL, J. (Oral)

State of Haryana and the Director, Secondary Education, Haryana, have filed this intra-court appeal under Clause X of the Letters Patent against the order dated 03.03.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 19928 of 2011) filed by a teacher, namely Mohammad Farooque (respondent No.1 herein), was disposed of and the punishment of dismissal from service imposed upon respondent No.1 was converted into compulsory retirement.

Though there is delay of 274 days in filing the appeal and the appellants have filed application (CM No. 398-LPA of 2016) for condoning the said delay, yet we have heard learned counsel for the appellants on merits and have gone through the impugned order passed by the learned

Single Judge.

It is to mention here that LPA No. 864 of 2015 filed by respondent No.1 challenging the same order, which has been impugned in this appeal, was dismissed by this court vide order dated 20.11.2015.

After hearing learned counsel for the appellants on merits of the case, we do not find any ground to interfere with the impugned order passed by the learned Single Judge. In this case, respondent No.1 was dismissed from service only on the ground that performance of his students in the Board examinations was poor. We have considered this aspect of the matter in the light of the fact that respondent No.1 was posted in the area of Mewat, where generally the students are poor in education. In our opinion, the learned Single Judge, after considering all the aspects of the matter, has rightly converted the punishment of dismissal from service imposed upon respondent No.1 into compulsory retirement, which does not require any interference by this court in this Letters Patent Appeal.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

February 08, 2016
ndj

(HARINDER SINGH SIDHU)
JUDGE