

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10704 of 2008

Date of Decision:-26.04.2017.

Ritu

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. H.N. Sahu, Advocate for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of communication dated 31.5.2008 by which the petitioner's appointment has been held to be wrong. Consequently, petitioner's services have been displaced for the post of Guest Faculty Teacher. The petitioner is stated to have been appointed as Guest Faculty Teacher on 8.10.2006. The District Education Officer, Karnal noticed that the petitioner's appointment to the post of Guest Teacher in GSM GHD (B) is not in accordance with law. Hence, it was held that the petitioner is not entitled for appointment. The District Education Officer, Karnal seems to have received complaint against the petitioner that the petitioner is not entitled for appointment. Based on such complaint, the District Education Officer directed the

Principal Government Senior Secondary School, Ghauranda (Boys) stating

that the petitioner is not entitled for appointment and appointment of the petitioner is not in accordance with law. Before passing a declaration that the petitioner is not entitled to hold the post of Guest Faculty Teacher, no notice has been given to the petitioner. Once a candidate is appointed to a particular post and if such appointment is not in accordance with law, he has civil consequences. Consequently, he/she should be heard in the matter. Such a procedure has not been followed either by the District Education Officer, Karnal or by Principal, Government Senior Secondary School Ghauranda (Boys). Therefore, Annexure P-5 dated 31.5.2008 is liable to be set aside.

Petition stands allowed. Reserving liberty to the respondents to proceed in accordance with law.

(P.B. BAJANTHRI)
JUDGE

April 26, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.