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

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**Civil Writ Petition No.11813 of 2016 (O&M)
Date of decision: September 27, 2017**

Recognised & Affiliated School Association, Punjab (Regd.) (RASA)

....Petitioner

versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. K.S. Thakur, Advocate for
Mr. Pawan Kumar Goklaney, Advocate for the petitioner.

Ms. Rameeza Hakeem, Addl. A.G., Punjab.

Mr. Sukhjinder Singh Behl, Advocate
for respondents No.2 & 3.

AJAY KUMAR MITTAL, J. (Oral)
Civil Misc. No.11168 of 2017

Reply by way of an affidavit of Sh. J.R. Mehrok,
Secretary, Punjab School Education Board, Mohali, on behalf of
respondent No.2 filed along with the application is taken on record,
subject to all just exceptions. Office to tag the same at appropriate
place.

CM stands disposed of.

Main case

1. The prayer in this writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of *quo warranto* quashing the order dated 03.12.2014 (**Annexure P-10**) issued by respondent No.1 under political pressure vide which the permission was granted to continue the appointment of respondent No.4 as OSD to respondent No.3 on contractual basis, being violative of its own directions issued vide letter dated 22.03.2014 (**Annexure P-6**) whereby the appointment of respondent No.3 as OSD was rightly cancelled and directions given to the respondent-Board to fix the responsibility of the officers/officials concerned with this appointment in terms of the Government instructions dated 09.05.2012 (**Annexure P-3**) and letter dated 24.04.2014 (**Annexure P-9**) whereby it was directed that compliance of order of the Government dated 22.03.2014 (Annexure P-6) may be ensured in letter and spirit with specific directions that if the pay and other allowances etc. would be released to respondent No.4 after 22.03.2014 by any officer in violation of Government directions then the recovery of the same shall be made from the officer concerned. Further prayer has also been made to direct the respondent-Board to relieve respondent No.4 from the services in view of order dated 07.05.2014 (**Annexure P-7**) passed by the learned Special Judge, SAS Nagar in SC No.12/13.05.2006, **State vs. Tota Singh and**

others, whereby charges have been framed against respondent No.4 under Sections 420, 467, 471, 120 of the Indian Penal Code, 1860 (in short, 'the IPC') and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and further in view of order dated 09.06.2015 (**Annexure P-11**) passed by the Chief Judicial Magistrate, SAS Nagar in **Om Parkash vs. Dr. Dalbir Singh Dhillon and others** whereby respondent No.4 was ordered to be summoned to face trial under Sections 465 and 120-B of IPC.

2. Notice of motion was issued to the respondents.
3. Vide Civil Misc. No.11168 of 2017, reply by way of an affidavit of Sh. J.R. Mehrotra, Secretary, Punjab School Education Board, Mohali, on behalf of respondent No.2, has been filed, wherein it has been stated that respondent No.3 had resigned from the office of Chairperson w.e.f. 16.12.2016 and demitted the office as she had been appointed as Member Punjab Public Service Commission. Respondent No.4 had also demitted the office on the same day i.e. 16.12.2016 along with respondent No.3 and is no more in service with respondent No.2. Para No.2 of the reply reads thus;

“That moreover, the respondent No.3 who resigned from the office of Chairperson w.e.f. 16.12.2016 and demitted the office as she had been appointed as Member Punjab Public Service Commission. The respondent No.4 also demitted the office on the same day i.e. 16.12.2016 along with respondent No.3 and is no more in service with answering respondent. Therefore, in view of this fact

also, the present petition has become infructuous and is liable to be dismissed.”

4. In view of the aforesaid reply, learned counsel for the parties submitted that the present petition has been rendered infructuous and may be disposed of as such.

5. Ordered accordingly.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

September 27, 2017
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No