

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

CWP No.16140 of 2015 (O&M)

Date of Decision: 18.01.2017

Rashmi Arora

...Petitioner

Versus

DAV College Managing Committee and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Subhashish Kukreti, Advocate
for the petitioner.

Mr. R.S. Cheema, Advocate
for the respondents.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari for quashing/setting aside the termination letter dated 24.07.2015.

Learned counsel appearing on behalf of respondents-DAV College Managing Committee submits that the petitioner instead of approaching this court, should have availed of his remedy available to him by approaching the Educational Tribunal, which has been set up. The Educational Tribunal has been constituted to determine all service disputes arising between the employees and the Management, other than those matter pertaining to gratuity. In this regard, reliance has been placed upon a

judgment rendered by Division Bench of this court in '**Management of SD Model Senior Secondary School and another vs District Judge-cum-Service Tribunal and another**', 2014(1) SCT 652.

I have perused the judgment rendered in the case of '**Management of SD Model Senior Secondary School and another vs District Judge-cum-Service Tribunal and another**' (*supra*) wherein, it has been held that all service disputes arising out of any order passed by the Management, an appeal to the Educational Tribunal is maintainable. The Punjab Government has already constituted an Educational Tribunal, which is functional.

Therefore, this petition is disposed of by relegating the petitioner to file appeal before the Educational Tribunal. The Tribunal is directed to decide the appeal preferred by the petitioner expeditiously. However, the respondents herein shall not raise the objection of delay, to defeat the claim of the petition.

January 18, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No