

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

CWP-19378-2013

Date of Decision: 31.10.2017

Sandeep Kumar

.....Petitioner

vs.

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Sanjay Verma, Advocate,
for the petitioner.
Mr. R.K.Doon, AAG, Haryana.

AMOL RATTAN SINGH, J. (Oral)

The petitioner is stated to have been engaged as a Guest Teacher by the respondent-Government (on contract although with no formal appointment letter issued to him), w.e.f. 12.10.2006, on which post he continued to work till 29.12.2011, on which date his services were terminated vide the impugned order Annexure P-5, on the ground that he had remained in police custody beyond 48 hours and was thereafter absent from duty for a period of more than 15 days.

Learned counsel for the petitioner submits that as a matter of fact an FIR alleging the commission of offences punishable under Sections 498-A/406/323/506/34 of the IPC, was registered against him at Police Station, Civil Lines, Karnal, due to which he was in custody for more than 48 hours; but immediately thereafter, upon being bailed out, he had applied to the respondents for being re-inducted into service as a Guest Teacher.

The contention is that the petitioner was not taken back in service on account of the FIR having been registered against him.

In the written statement filed on behalf of the respondent-State, it has been stated that the respondent not being a 'regular' teacher, in any case the provisions of the Haryana Civil Services (Punishment and Appeal) Rules, 1987, are not be applicable to him. Consequently, he being only a Guest Teacher, his services were dis-engaged in the aforesaid circumstances.

Learned counsel further submits that the aforesaid FIR was eventually quashed by this Court on a petition filed under Section 482 Cr.P.C. in the year 2016, on a compromise having been reached therein between the petitioner and his wife, i.e. the complainant in the FIR.

Having considered the aforesaid contentions, though the petitioner's prayer is that the impugned order, Annexure P-5, itself be set aside, in the aforesaid circumstances, the prayer of the petitioner for quashing the order Annexure P-5 is rejected. The petitioner being only a Guest Teacher, which even by the nomenclature of the post, is a stop-gap arrangement, for teaching students in different classes due to non-availability of regularly selected teachers, therefore, the petitioner can have no indefeasible right to continue on the said post when the FIR was registered against him, in the year 2011, with him having been arrested then.

Consequently, this petition is dismissed qua the prayer of the petitioner, but with the observation that the FIR itself having been quashed upon a compromise having been reached between the petitioner and the complainant therein, therefore, upon an application being made by the petitioner for appointment as a Guest Teacher, that would be considered wholly on its own merits, keeping in view the fact that the FIR has actually been quashed by this Court.

October 31, 2017

dharamvir

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : YES/NO
Whether Reportable : YES/NO