

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

Civil Misc. no.9728 of 2017 in/and
CWP No.15402 of 2017 (O&M)

Date of Decision: July 20, 2017

Jitender Singh

...Petitioner

Versus

Kurukshetra University, Kurukshetra and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Vinod Bhardwaj, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that the petitioner is being relieved vide the impugned order, Annexure P-6, on the ground that the students strength has decreased to a very low ebb and as such the petitioners' services are not required in the respondent-institution, i.e. respondent no.2 herein.

Vide an order of a coordinate Bench, dated 17.07.2017, learned counsel had sought an adjournment to place on record the details of the students in the course in which the petitioner is teaching as an Assistant Professor.

Pursuant to the said order, this application (C.M. no.9728 of 2017) has been filed showing that there are total 112 students in the final year and 86 students in the second year of Mechanical Engineering Course (B.Tech).

It is further stated in the application, duly accompanied by the affidavit of the petitioner that 5 Assistant Professors junior to the petitioner, who are also teaching the subject of Mechanical Engineering, are still

working in the institution with no notice issued to them to be relieved.

Prima facie, the petitioner has made out a case for retention, however, in view of the fact that as per the judgment of a Division Bench of this Court in Civil Revision no.4315 of 2012, decided on 27.11.2013, titled as **Management of SD Model Senior Secondary School and another v. District Judge-cum-Service Tribunal and another**, on any service matters pertaining to the private educational institutes, where orders have been passed as are appealable to the Tribunal, the jurisdiction at the first instance to consider the validity of such orders would lie with the Education Tribunal appointed by the State of Haryana.

Consequently, this petition is disposed of with liberty to the petitioner to approach the concerned Education Tribunal within one week from today.

Since the petitioner, it is contended, is to be relieved on 22.07.2017, i.e. the day after tomorrow, the operation of the impugned order shall remain stayed for a period of 10 days from today and whether the stay order is to be continued or not, would be decided by the Tribunal at the first instance that a petition is presented before the Tribunal.

A copy of this order be given to the learned counsel for the petitioner under signatures of the Special Secretary of the Bench.

July 20, 2017
vcgarg

(Amol Rattan Singh)
Judge

Whether speaking/reasoned: Yes
Whether reportable: no