

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

CWP No.7507 of 2017 (O&M)
Date of Decision: April 17, 2017

Harinder Kaur

...Petitioner

Versus

The Managing Committee, Baba Zorawar Singh Fateh Singh, Educational
Trust and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.S. Chauhan, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed seeking to challenge the impugned order dated 21.07.2016 passed by the Educational Tribunal, SAS Nagar Mohali, whereby, the Tribunal had declined to entertain the matter on the ground that it did not have the jurisdiction to grant relief to employees of private schools 'aided' or 'unaided', in view of Section 2(c) of the Punjab Privately Managed Recognized Schools Employees (Security of Service) Act, 1979 (hereinafter referred to as 'the Act').

In brief, the facts are that the petitioner was appointed as teacher against leave vacancy by appointment letter dated 23.05.2011. The petitioner became ill and remained on leave from 27.08.2013 to 28.10.2013 and joined her duties on 23.10.2013, after getting fitness certificate. On 25.10.2013, the petitioner was told that her services were no longer required and the petitioner need not to report for duty from 26.10.2013. The

petitioner preferred a representation before the Chairman, Punjab School Education Board Mohali, against the termination order. Since there was no communication from the Chairman, Petition No.15 of 2014 was filed before the Education Tribunal, which came to be decided by giving directions to the Chairman, Punjab School Education Board, Mohali, to decide the representation within a month. The Chairman, Punjab School Education Board, Mohali, came to the conclusion that the school management was justified in terminating the services, on the basis of conditions of appointment letter. Aggrieved against the said order, the petitioner again preferred a petition under Section 8 of the Act, with the prayer for reinstatement in service. The said petition was dismissed on the ground that the Tribunal was not vested with the jurisdiction to grant relief to employees of private schools 'aided' or 'unaided' by virtue of Section 2(c) of the Act, which provided for adjudication of any dispute, which occurred between an employee dismissed or removed from services, but would not include a part time employee. Placing reliance upon the appointment letter, wherein, the petitioner had been engaged as a part time teacher against leave vacancy, the petition filed by the petitioner was dismissed. Aggrieved, the instant writ petition has been filed with a prayer that the matter should be heard on merits.

I have heard learned counsel for the petitioner and find no infirmity in the order that has been passed. Admittedly, as per the appointment letter, the petitioner was appointed as a part time teacher against leave vacancy and in view of the specific bar imposed by the statute, the Tribunal would have no jurisdiction to entertain the matter. Moreover, a

perusal of the said appointment letter itself shows that the petitioner had been appointed as a part time teacher against leave vacancy on a consolidated salary and her services could be terminated, without any notice or without assigning any reason whatsoever. Furthermore, it was clearly specified that prior approval of the principal was required, before the petitioner could avail any leave, which admittedly, has not been done in the instant case. The termination order dated 15.11.2013, notices that she had been absent from duty, without leave. The petitioner has not been able to point out any infirmity in the orders, so passed.

The petition, being devoid of any merits, stands dismissed.

April 17, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No