

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

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**RSA No.580 of 2015 (O&M)
Date of Decision : 27.11.2017**

The State of Haryana and others

..... Appellants

Versus

Chanderjeet Malik

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Dr. Sushil Gautam, D.A.G., Haryana
for the appellants.

Mr. Rakesh Nagpal, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the judgment and decree dated 19.11.2014 passed by the learned District Judge, Sirsa.

The respondent was a guest teacher. A complaint was made that he alongwith certain other staff members were watching pornographic movies on the computer of the school at Jodhkan, District Sirsa.

By order dated 29.05.2009 his services were terminated by mentioning that he had been found involved in watching pornographic movies on the school computer.

The trial Court dismissed the suit but the appellate Court reversed the findings by holding that this stigmatic order could not have been passed without hearing.

The Deputy Advocate General has argued that the respondent had no protection since he was a guest teacher. He has however accepted

that a stigmatic order could not have been passed without hearing him whatever be his status. However, on instructions from Shri Jagminder Singh, Principal, Govt. Senior Secondary School Jodhkan, District Sirsa he states that this stigmatic order of termination will be replaced by an order of simple termination within a period of one month.

Learned counsel for the respondent has defended the order.

In my opinion too much water has flown in the past 8 years. There has been a long standing litigation about the continuance of guest teachers and upto the Supreme Court directions have been issued to the State of Haryana to discontinue their services and make regular recruitments. In these circumstances, in my considered opinion the course suggested by the Deputy Advocate General is more appropriate.

Resultantly, the appeal is allowed subject to the appellant-the competent authority-now passing a fresh order substituting the original order of termination with a simpliciter order of termination.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

27.11.2017
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No