

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

227

RSA-5363-2017 (O&M)

Date of Decision: 19.12.2017

VIVEKA NAND SHIKSHA SAMITI & ANR

....APPELLANTS

VS

RAMESHWAR SINGH & ANR

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Y.P. Malik, Advocate  
for the appellants.

Mr. Amandeep Singh Talwar, Advocate  
for the respondent No.1.

\*\*\*\*

AJAY TEWARI, J.(Oral)

This appeal has been filed against the judgment of the lower appellate Court reversing that of the trial Court and thereby holding that the suit filed by the respondents was maintainable in the Civil Court. The respondents had filed a civil suit challenging disciplinary action taken against him on 17.09.2011. The suit was dismissed by the trial Court by holding that only Educational Tribunal would have jurisdiction to decide it. The respondents filed an appeal wherein the appellate Court reversed the same and held that the Educational Tribunal for addressing the disputes between employees of private unaided schools was brought into effect by a notification dated 7.5.2013 and, since no retrospectivity was conferred on those Tribunals the suit which was filed before the sitting in those tribunal would be maintainable before the civil Court. Counsel appearing for the appellants has argued that by the circulars dated 3.4.2008 and 10.8.2008 this Court had already authorized all the District & Sessions Judges to hear appeals by employees against order which any management of any teaching institution passed against him. Counsel for the

respondents has however argued that the circulars dated 3.4.2008 and 10.8.2008 dealt respectively with medical institutions and technical institutions but as regards private schools the jurisdiction was conferred upon the District and Sessions Judge only by a notification dated 7.5.2013. He has pointed out to the following extract of the said notification as reproduced by the counsel of the appellants:-

*“Accordingly, District and Sessions Judges in the State of Haryana have been authorized to hear appeals of employees of aided /unaided technical education institutions against decision of Management within their jurisdiction by the Hon'ble Punjab and Haryana High Court, Chandigarh vide No. 23414 Gaz.II/IX.CII dated 10.8.2008. The Tribunals already notified by the Hon'ble High Court will also hear appeals of employees of aided /unaided schools against the orders of Management.”*

In my opinion, the interpretation given by the counsel for the respondents is correct. It is clear from the above quoted extract of the notification that the circulars of this Court authorized the District and Sessions Judges only in cases of medical and technical institutions and it was only by the notification dated 7/5/2013 that the jurisdiction to decide disputes between employee of private unaided schools and their employees was granted to the Educational Tribunal.

The appeal stands dismissed.

Since the main case has been decided, the pending C.M, if any, also stand disposed of.

19.12.2017  
anuradha

(AJAY TEWARI)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | - | Yes/No |
| Whether reportable        | - | Yes/No |