

**R.A. No. 537-CWP of 2017 (O & M) in
CWP No. 7152 of 2017**

Neela Panwar vs. DAV College Managing Committee and another

Present:- Mr. R.S. Cheema, Advocate,
for the applicant-respondents no. 1 and 2.

The present review application has been filed by the respondents qua the order dated 08.12.2017 whereby stay was granted taking the plea that there is an alternative remedy as such available to the petitioner to approach the Educational Tribunal.

Counsel for the applicant has been candid enough to admit that in the written statement, no such written objection was taken. Even otherwise, this Court is of the opinion that even if the objection was taken, the issue of alternative remedy is not an absolute bar and this Court can always exercise its extra ordinary writ jurisdiction where it feels that the remedy is not efficacious. The main case is also still pending and is listed for 28.05.2018 and interim order has only been passed on account of the fact that the conviction of the petitioner has been stayed by the Additional Session Judge, Bhiwani after keeping in mind various judgments of the Apex Court in ***Rama Narang vs. Ramesh Narang and others, 1995 (2) SCC 513; Darshan Singh vs. State of Haryana, 2007 (3) CCR 172; Rattiram and others vs. State of M.P. through Inspector General of Police, 2012 RCR (Criminal) 471; State of Punjab vs. Davinder Pal Singh Bhullar and others etc. 2012 (1) RCR (Criminal) 126 and Kalyani Baskar vs. M.S. Sampooram, 2007 (1) RCR (Criminal) 311.***

Accordingly, once that is so, the whole basis as such and of the termination order which is based on the ground that there is a conviction evaporates and by not granting the benefit of stay would only seriously prejudice the petitioner. Even if the petitioner is to be relegated to his alternative remedy, the same can still be done by continuing with his protection and, therefore, the argument raised is of no value.

Accordingly the review application is dismissed.

19.12.2017
shivani

(G.S. SANDHAWALIA)
JUDGE