

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) No. 745/2017 & CM Nos. 3478-79/2017**

% **27th January, 2017**

SHRI BAIDYA NATH YADAV & ORS. Petitioners

Through: Mr. Nikhilesh Kumar,
Advocates.

versus

GURU TEGH BAHADUR POLYTECHNIC INSTITUTE & ANR.

..... Respondents

Through: Ms. Gayatri Aryan, Advocate.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. This writ petition is filed under Article 226 of the Constitution of India by the petitioners seeking reliefs of setting aside of the termination letters issued by the respondent no.1/Guru Tegh Bahadur Polytechnic Institute/employer terminating the services of the petitioner.

2. Respondent no.2 is constituted because of the Delhi Sikh Gurudwara Act, 1971. Respondent no.2 performs its functions under the Delhi Sikh Gurudwara Act for running educational institutions and the employees of the educational institutions are therefore employees of the

respondent no.2 and the respondent no.1 is functioning under the Delhi Sikh Gurudwara Act.

3. Section 32 of the Delhi Sikh Gurudwara Act provides for a designated forum being a court of the District Judge to decide disputes *inter se* the employees and the educational institutes run by the respondent no.2/ Delhi Sikh Gurudwara Management Committee. Section 32 of the Delhi Sikh Gurudwara Act reads as under:-

“32. Jurisdiction of District Court in other matters- The Court of the District Judge in Delhi shall also have jurisdiction in respect of the following matters, namely:-

(c) Petitions regarding complaints, irregularities, breach of trust, mismanagement in any Gurdwara, educational or other institutions against any member, office-bearer or officer or other employee of the Committee.

(d) Petitions arising out of any type of disputes between the Committee and its employees including past employees.

(e) Applications regarding failure of publication of, or non-implementation or non-clearance of the objections raised in, any annual report of the auditors of the Committee.”

4. The disputes which are subject matter of the present writ petition would be governed by sub-section (d) of the Section 32 and therefore, the petitioner will have to approach the designated court.

5. On the aspect of maintainability of the writ petition various judgments have been passed by learned Single Judges of this Court including Hon’ble Mr. Justice Rajiv Sahai Endlaw and one such judgment is the judgment in the case of *Satpal Singh Vs. Delhi Sikh Gurudwara*

Management Committee & Anr. 181 (2011) DLT 455. In this judgment Hon'ble Judge by referring to Section 32 of the Delhi Sikh Gurudwara Act has held the writ petition not to be maintainable when the disputes are those covered under Section 32(d).

6. It is therefore clear that petitioners have approached the Court although there is an alternative efficacious remedy of approaching the concerned District Judge before whom all the issues which are raised in the writ petition can be heard and decided. I have failed to understand as to why litigants and counsels without even reading basic aspects of law, and the repeated judgments passed by this Court, should at all file non-maintainable petitions in this Court. It is high time that the litigants and lawyers are well advised to at least read the basic law before approaching courts of law.

7. In view of the fact that there is an alternative efficacious remedy, it is held that this writ petition is not maintainable, and thus this Court refuses to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

8. Dismissed.

JANUARY 27, 2017
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VALMIKI J. MEHTA, J