

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

CWP No.4240 of 2013 (O&M)

Date of decision: 12.07.2018

Tarvinder Singh Saini and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ranjit Saini, Advocate,
for the petitioners.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. R.K. Malik, Senior Advocate,
with Mr. Sunil Hooda, Advocate,
for respondent Nos.4, 7, 8, 9 and 11.

Mr. C.B. Goel, Advocate, for respondent Nos.6 and 10.

Ritu Bahri, J.

Prayer in this petition is for setting aside the appointment of private respondent Nos.6 to 11 being not eligible, on the ground of not possessing the requisite qualification as required under Haryana School Education Rules, 2003/2007 and Right to Children Free & Compulsory Education Act, 2009.

A Division Bench of this Court in **Management of S.D. Model Senior Secondary School & another vs. District Judge-cum-Service Tribunal & another**, CR No.4315 of 2012 (decided on 27.11.2013), has held that as per directions issued by the Hon'ble Supreme Court, Education Tribunals have since been constituted. It has been further observed that vide notifications dated 28.05.2008 and 07.05.2013, powers of Education

Tribunals have been given to the District & Sessions Judges in the State of

Haryana, to hear appeals of the employees of aided/unaided Medical/Dental/Ayurvedic/Homeopathic/Educational Institutions against the decision of Management within their jurisdiction.

In the present case, selection of private respondent Nos.6 to 11 by the Management is under challenge and this issue can be examined by the Education Tribunal, Ambala.

Accordingly, the Registry of this Court is directed to sent this petition to the Education Tribunal, Ambala. The Education Tribunal, Ambala, shall examine and decide the matter in accordance with law. Parties are directed to appear before the Education Tribunal on 13.08.2018. In the meantime, learned counsel for respondent Nos. 4, 7, 8, 9 and 11 can file reply to the misc. application(s).

Disposed of accordingly.

12.07.2018
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No