

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

LPA No.1296 of 2018(O&M)

Date of decision: 02.11.2018

Malkeet Kaur

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Vishal Sharma, Advocate for the appellant.

KRISHNA MURARI, C.J. (Oral)

This intra-court appeal filed under Clause X of the Letters Patent is directed against the judgment and order dated 07.05.2018 passed by the learned Single Judge dismissing the writ petition filed by the appellant herein challenging the order of her dismissal dated 05.02.2007.

Facts in nutshell relevant for the purposes of the dispute can be summarized as under.

The appellant-petitioner was selected and appointed as ETT Teacher vide appointment order dated 29.06.2006 by Zila Parishad, Patiala in a school operated by it. Subsequently, vide order dated 05.02.2007, her services were terminated on the ground that the ETT Certificate obtained by the petitioner from Bhartiya Siksha Parishad, Uttar Pradesh was not a recognized institute in the list of Universities/Institutes recognized by UGC. Admittedly, the petitioner has approached this Court challenging termination order after about 11 years. The ground set out for challenge in the writ

petition was that some similarly situated candidates have been offered re-appointment vide orders dated 12.08.2008 & 09.05.2011. It is not doubt correct that certain similarly situated persons had also filed various writ petitions, which were bunched together and disposed of by a common judgment and order dated 10.02.2010 issuing directions that the concerned Zila Parishad shall constitute a Committee headed by its Chief Executive Officer, who shall verify about the veracity of the institution and the degree or certificates awarded by it.

It appears that on the basis of the report submitted by the Committee, the petitioners of the said bunch of writ petitions were offered appointment. This prompted the petitioner to file the writ petition out of which this appeal arises. Nevertheless, according to own case set up by the petitioner, the re-appointment was granted as long as back in 2008/2011. Whereas, the appellant has filed the writ petition claiming identical benefits in 2018, i.e. after about 7 years of the re-appointment given to the identically situated persons in 2011.

The learned Single Judge has come to the conclusions that the claim set up after 11 years was barred by the principle of 'delay and laches'; the appellant has simply claimed parity on the basis of the report submitted by the Committee constituted in view of the common judgment and order passed by this Court in CWP No.13897 of 2008, dated 10.2.2010; there is no material on record to demonstrate that the institution, i.e. Bhartiya Siksha Parishad, Uttar Pradesh, from where the appellant obtained the certificate, was granted approval by the Distance Education Council or the UGC for imparting education through distance education mode for the session 1995-97; there is further no material on record that any investigation in respect of

the said institute was made by the Committee constituted under the orders of this Court and a positive finding was returned in respect of the institution from where the appellant obtained the certificate that it was on list of institutes recognized by the National Council for Teacher Education for the session when the appellant is said to have undertaken the course.

Apart from above, learned counsel for the petitioner has conceded before us that the order of termination was challenged before this Court and the writ petition was dismissed although no details in respect of the same are forthcoming. Once the writ petition was dismissed as stated by the learned counsel for the petitioner, the principle of *res judicata* bar the filing of the second writ petition and thus also the petition was liable to be dismissed.

In the aforesaid viewed facts, we do not find any illegality to have been committed by the learned Single Judge in dismissing the writ petition. We are also of the considered view that not only the laches of 11 years, but the fact that there is no material on record on the basis of which the educational qualification certificate obtained by the appellant-petitioner could be said to have been issued by a validly recognized institution and thus the appeal is devoid of any merit and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

02.11.2018
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO