

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

**CWP No.11390 of 2019
Date of decision:05.07.2019**

Balbir Singh

... Petitioner

Vs.

The Educational Tribunal, Karnal and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.S.Kundu, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Prayer in present writ petition is for quashing of order dated 20.06.2013 (Annexure P-2) passed by Educational Tribunal, District Karnal and judgment dated 12.07.2018 (Annexure P-5) of Educational Tribunal District Judge, Karnal.

Learned counsel appearing on behalf of petitioner submitted that petitioner had been working as Peon-cum-Chowkidar since 1.4.2000 in S.D.Senior Secondary School (Multan), Karnal. As per experience certificate dated 11.03.2015, Annexure P-11, his character and behaviour had been satisfactory. The petitioner had submitted an application to the respondents for regularization of service which has been declined vide Annexure P-2 on the premise that aid granted by the Government was only with regard to teaching staff and not qua non-teaching staff. In other words, petitioner has been kept by the management on their own resources. The

petitioner had also submitted a complaint to the authorities against one Sushil Jawa Management Committee and enquiry was conducted by the District Education Officer, Karnal and in those proceedings, school had submitted reply wherein it has been found that Vinod Kumar and Besh Bahadur were also enrolled as Chowkidar. In such circumstances, school is adopting pick and choose policy.

I have heard learned counsel for petitioner and appraised paper book and of view that there is no force and merit in the submissions of Mr. Kundu, for, there is no evidence on record whether Vinod Kumar and Besh Bahadur are enrolled as Chowkidar with school or not.

It is a matter of record that aid granted by the Government is only with regard to teaching staff and not qua non-teaching staff whereas nature of petitioner's job is non-teaching. Once the post has been abolished, petitioner cannot implore upon the authorities to work.

In view of above, no ground for interference is made out in the impugned orders while exercising the powers under Article 226 of Constitution of India.

Dismissed.

(AMIT RAWAL)
JUDGE

July 05, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No