

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-11085 of 2017

Date of decision: 27.09.2019

Kanta Devi and another

.... Petitioners

versus

State of Punjab and others

.... Respondents

**CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Vikas Chatrath, Advocate  
for the petitioners.

Mr. H.S. Sitta, AAG, Punjab.

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**HARSIMRAN SINGH SETHI, J.**

The grievance of the petitioners in the present writ petition is against a privately managed aided institution, from which, the petitioners are claiming higher emoluments for discharging duties of the higher post.

Learned counsel for the respondents states that as the claim of the petitioners is against respondent No.3, which is an aided institution, this Court has no jurisdiction to adjudicate the same at the first instance and the petitioners have to approach the Educational Tribunal for redressal of their grievance keeping in view the settled principle of law settled by this Court in CWP No.25942 of 2012 titled as **Suresh Sharma vs. State of Punjab and others** decided on 11.04.2019, wherein, it has been held that all the disputes between employee and the privately managed aided institution are to be adjudicated before the Educational Tribunal at the first instance. The said order

has already been upheld by the Division Bench of this Court while deciding LPA No.892 of 2019 titled as Surinder Krishan Sharma vs. State of Punjab and others on 09.05.2019.

Counsel for the petitioners prays that paper book of the writ petition be sent to Educational Tribunal as the pleadings, which have already been completed, will have to be filed afresh before the Educational Tribunal and the precious time of the Educational Tribunal will be wasted by filing the same pleadings before the Educational Tribunal, which have already been filed in the present writ petition. Counsel for the respondents has no objection for accepting the prayer of the counsel for the petitioner for sending the record of the petition to the Educational Tribunal for passing appropriate order.

Keeping in view the request of the parties, let record of this writ petition be sent to the Educational Tribunal for passing an appropriate speaking order.

Parties are directed to appear before the Educational Tribunal on 04.12.2019.

As there is no representation on behalf of respondent No.3, Educational Tribunal is within its jurisdiction to issue notice to respondent No.3.

(HARSIMRAN SINGH SETHI)  
JUDGE

27.09.2019  
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable?            | Yes/No |