

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

CWP No. 2230-2018

Date of decision : 27.05.2019

Suresh Raheja

.....Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Dilbagh Singh, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of impugned order dated 07.01.2015 (P-5 colly) passed by respondent No. 2, impugned relieving order dated 08.01.2015 (P-5 colly) passed by respondent No. 3 and order dated 10.07.2017 passed by respondent No. 2 during the pendency of the contempt petition.

Learned counsel at the very outset has referred to order dated 29.05.2018 passed in CWP No. 13906-2018 (P-14) whereby this Court stayed the operation of impugned order dated 16.05.2018 terminating the services of the petitioners. It has been stated in the order that since the petitioners have acquired the requisite qualification and Hon'ble the Supreme Court in SLP No. 16045-2016 had stayed the order on 11.7.2016 (P-7) passed by this Court, therefore, the termination order is unsustainable.

Learned State counsel is not disputing the above said factual position.

In the present case, the services of the petitioner has been terminated

and he approached this Court by way of filing CWP No. 18443-2016 challenging order dated 07.01.2015/08.01.2015. The writ petition was dismissed on 06.09.2016 (P-9) on the ground of delay. LPA No. 1857-2016 filed against the above said order dated 06.09.2016 stands disposed of on 23.09.2016 (P-10) with a direction to the Director Secondary Education Haryana to ascertain the correct facts and take an appropriate decision on the appellant's claim within a period of four months from the date of receipt of certified copy of this order.

The petitioner has now approached this Court that now his representation has been rejected vide impugned order dated 10.07.2017 (P-11) on the ground that the petitioner was neither amongst the terminated surplus guest teachers nor was in service on 31.03.2016.

Learned counsel for the petitioner submits that 193 guest teachers who have been terminated, have again been reinstated by the respondents, which is as per instructions dated 31.03.2010 (P-3). Before the Division Bench in LPA No. 1391-2015, the State filed an application seeking permission to let the Guest Teachers to continue keeping in view the future of students.

Thus, once the State has decided to re-engage 193 guest faculty teachers, the claim of the petitioner cannot be rejected on the ground that she had approached the authorities late and she was not party to the CWP No. 12689-2015 and LPA No. 1391-2015.

The petitioner is entitled to be reengaged, keeping in view instructions dated 31.03.2010 (P-3).

Accordingly, the writ petition stands disposed of with a direction to the respondents to reengage the petitioner afresh as guest teacher and she shall continue to work till the regular candidate join. The appointment of the petitioner, will be subject to outcome of SLP No. 16045-2016. This exercise shall

be completed within a period of 30 days from the date of receipt of certified copy of this order.

May 27, 2019
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>