

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

**L.P.A. No.1637 of 2019(O&M) in
Civil Writ Petition No.7121 of 2019
Date of decision: September 24, 2019**

New Senior Secondary School, Ludhiana ...Appellant

Versus

State of Punjab and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Sapan Dhir, Advocate for the appellant.

HARINDER SINGH SIDHU, J.

This Letters Patent Appeal has been filed against the judgment dated 05.09.2019 in CWP No.7121 of 2019 titled 'New Senior Secondary School, Civil Lines, Ludhiana vs. State of Punjab and others' whereby the writ petition filed by the appellant assailing the order of the Educational Tribunal, Punjab, vide which after holding the termination of services of private respondent Nos.3 to 6 to be wrongful the appellant has been directed to pay a sum of Rs.2 lacs to each one of them, has been dismissed.

The appellant is a private Educational Institution and is not receiving any grant- in- aid from the State Government. Respondent Nos.3 to 6 joined as Teachers with the appellants on 07.09.1987, 10.04.1992, 19.07.1971 and 06.05.1983 respectively. Their services were terminated

vide orders dated 09/11.04.1997. They filed CWP No.10437 of 1997 challenging their termination. The same was dismissed on 17.05.2013 on the ground that writ petition was not maintainable against a private school. LPA No.1799 of 2013 filed by them was disposed of on 14.01.2014 giving them liberty to approach the Educational Tribunal.

Thereafter, respondent Nos.3 to 6 approached the Educational Tribunal challenging their termination. The Tribunal set aside the termination order. It recorded a finding that the termination orders had been passed without recording any reason and serving show cause notice and were violative of the principles of natural justice. Considering that all of them except one had attained the age of superannuation and the only one who had not attained that age namely Ms. Nisha was serving as a Lecturer in Satya Bharti School, Hussanpura and did not wish to be reinstated, the Tribunal directed that a sum of Rs.2 lac be paid as compensation to each of them for their wrongful termination.

The appellants filed the writ petition impugning the aforesaid order, which has been dismissed. The learned Single Judge held that the determination of the Tribunal regarding their termination being illegal was justified. In this context, the learned Single Judge observed as under:

“ It would be crucial to take note that even though, the termination orders passed against private respondents were couched in innocuous terms but the stand of the petitioner school before the Educational Tribunal, Punjab as also in the instant writ petition is that action of termination was taken on account of complaints regarding teaching work, indiscipline and other acts of

misconduct. In other words the order of termination was punitive in nature. Even a private educational institution under such circumstances was obligated to initiate if not a regular inquiry at least, a fact finding inquiry against the concerned teachers with regard to the allegations of misconduct and dereliction of duty. No such inquiry was conducted by the petitioner school. Rather this Court finds that the action of termination of services of the private respondents was against all norms of fair play and in utter disregard of the principles of natural justice. The uncontroverted factual premise is that the petitioners were not even served any show cause notice and were not even granted an opportunity of hearing prior to taking the extreme step of passing of orders of termination. Even though, an attempt has been made by counsel to impress upon this Court that documents have been placed on record before the Educational Tribunal with regard to certain adverse A.C.Rs having been recorded and warnings having been issued, yet, no rebuttal has come forth at the hands of the counsel to the observations made by the Educational Tribunal in the impugned order that the A.C.Rs etc. were recorded just a day prior to the termination orders having been passed and that there was nothing on record to show that the complaints were ever made a subject matter of any disciplinary proceedings much less show cause notices having been issued. The Tribunal has rightfully held the termination of services of the private respondents to be bad in law.”

Regarding the compensation awarded, the learned Single Judge

held that respondent Nos.3 to 6 had been agitating against their termination since April 1997. They had filed writ petition and LPA. Finally, their case was disposed of by the Tribunal in 2018. In these circumstances the award of Rs.2 lacs as compensation could not be termed as excessive.

There is no illegality or infirmity in the aforesaid order.

The appeal is accordingly dismissed.

**(RAJIV SHARMA)
ACTING CHIEF JUSTICE**

**(HARINDER SINGH SIDHU)
JUDGE**

September 24, 2019
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No