

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

**CWP NO. 40377 OF 2018 (O&M)
DATE OF DECISION : 03.12.2019**

RAVI SHANKAR KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Dhruv Khanna, Advocate for
Mr. I. P. S. Kohli, Advocate,
for the petitioner.

ARUN MONGA, J. (ORAL)

Petitioner seeks issuance of a writ in the nature of certiorari to quash the order dated 12.10.2018 (Annexure P-6), whereby his services as a School Teacher, have been terminated.

2. On advance service of copy of petition, Mr. P. S. Bajwa, Additional Advocate General, Punjab has put in appearance on behalf of respondent No.1 and Mr. Anupam Singla, Advocate has put in appearance on behalf of respondents No.2 and 3.

3. Learned counsels for the respondents oppose the issuance of notice of motion in the present writ petition on the short ground that not only the petitioner concealed the fact of his previous conviction of 10 years on account of having been found guilty under Sections 376/342/506/34 IPC, but even otherwise, the nature of his misconduct and the offences committed by him do not entitle him to continue as a school teacher, wherein he has to teach young children.

4. Having heard rival contentions of learned counsels for the parties, what transpires is that the nature of job which was being rendered by the petitioner involved dealing with children with special

needs, who are either mentally retarded or otherwise suffering from other mental disabilities.

5. Having gone through the impugned order dated 12.10.2018 (Annexure P-6), what clearly emerges is that the petitioner was earlier convicted by the Sessions Court for having committed rape on a deaf and dumb minor child. Argument of learned counsel for the petitioner that there was no requirement on the part of petitioner to disclose his past conduct, does not inspire any confidence. Assume for a moment that there is no active concealment on the part of petitioner, still it was expected of him to disclose his previous history to his employer even if a specific information in that respect was not asked. Be that as it may, even otherwise, given that the petitioner has been convicted of the kind of offence as aforesaid, it is obvious that he has lost the confidence by the employer, who rightly found that the petitioner should not be kept in service as he is supposed to look after children of special needs. It is fairly comprehensible that no parent will either have confidence to send his child to a school where there is a teacher convicted of the kind of a crime as already stated herein above.

6. In view of the above, no ground for interference by this Court vested under Articles 226/227 of the Constitution of India in extra-ordinary writ jurisdiction is made out.

7. Dismissed.

(ARUN MONGA)
JUDGE

DECEMBER 03, 2019
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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |