

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

Review Application No.301-2018 in/and
CWP No.21259 of 2018
Date of decision : 21.05.2019

Pawan Kumar and another
Vs. ...Petitioners

State of Haryana and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ankur Malik, Advocate,
for non applicant-petitioners.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. Shranav Katyal, Advocate,
for applicant-respondent Nos.3 and 4.

Ritu Bahri, J. (oral)

Review Application No.301-2018

The application is for review/modification of the judgment dated 24.08.2018 passed by this Court in the main petition i.e. CWP-21259-2018.

After hearing learned counsel for the parties and going through the contents of the application, order/judgment dated 24.08.2018 is being recalled and the main petition is restored to its original number.

Misc. application stands disposed of accordingly.

CWP No.21259 of 2018

Petitioners are seeking direction to the respondents to allow them to continue working against their respective posts in the respondent-college.

Learned counsel for respondent Nos.3 and 4 states that the petitioners along with one Manoj Kumar had been served a show cause notice dated 06.08.2018 (Annexure A-1) for indulging in mal practices by

using the college computers on 05.08.2018 (Sunday) for admitting the students in Rama College of Education Kutabpur (Kaithal) instead of R.K.S.D. College of Education, Kaithal. As per notice, CCTV footage also showed their presence in administrative office. CD of the CCTV fotage has been attached as Annexure A-2. This show cause notice was made basis for relieving the petitioners.

In the present case, petitioners were working in Radha Krishan Sanatan Dharam College-respondent No.3, which is a private institute. A Division Bench of this Court in Management of S.D. Model Senior Secondary School & another vs. District Judge-cum-Service Tribunal & another, CR No.4315 of 2012 (decided on 27.11.2013), has held that as per directions issued by the Hon'ble Supreme Court, Education Tribunals have since been constituted. It has been further observed that vide notifications dated 28.05.2008 and 07.05.2013, powers of Education Tribunals have been given to the District & Sessions Judges in the State of Haryana, to hear appeals of the employees of aided/unaided Medical/Dental/Ayurvedic/Homeopathic/Educational Institutions against the decision of Management within their jurisdiction.

In view of the above judgment, jurisdiction to try the present dispute is with the Educational Tribunal located at District Kaithal.

Accordingly, this petition is disposed of by giving liberty to the petitioners to approach the Education Tribunal, Kaithal and avail appropriate remedy in accordance with law.

21.05.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No