Sr. No.126
Admission List

HIGH COURT OF JAMMU AND KASHMIR
ATJAMMU
(Through Virtual Mode)

WP(C) No.1897/2020
CM No. 6979/2020

Chamail Singh …. Petitioner/Applicant(s)

Through:- Mr. Muzaffar Khan, Advocate

V/s

The Director Navodaya Vidayalay New Delhi and others …..Respondent(s)

Through:-

Coram : HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE

ORDER

01. Petitioner in the present writ petition seeks the following reliefs:

> **"CERTIORARI:-**
>
> Thereby quashing order No. JNVRJR/Staff quarter/2020-21 / 208 dated 04.11.2020 which is passed with malafides and is discriminatory in nature purely to dislodge the petitioner from the occupation of the quarter which has been given to him purely on security grounds as well as the requirement of his duty.
>
> **MANDAMUS:-**
>
> Thereby directing the respondents not to illegally evict the petitioner from the quarter which has been given to him purely on security grounds as well as keeping in view the facts the services of Chowkidar are required twenty four hours for better management of the institution as well as to meet to any kind of urgency."

02. It is submitted by him that since distance of the school and his village is more than 25KM, thus, difficult for him to travel in the militancy affected area, therefore, he was given possession of 01 room and small lobby adjoining

to the school for his stay and since he is residing in the same. He is aggrieved of the order dated 04.11.2020 passed by respondent No. 3, directing him to vacate the premises on the ground that he is in possession of the same and is continuously serving in the militancy affected area and this allotment was purely keeping in view of threat to his life and the same being false, malafide and discriminatory. He is also stating that a meager amount of Rs. 11,000/- is being paid to the petitioner for his service, thus, it is difficult for him to take allotment.

03. Perusal of the order dated 04.11.2020 reveals that the petitioner is a daily basis worker in the Vidyalaya and was told to vacate the staff quarter which he do not do so, resultantly the respondent No. 3 but required the same for regular staff as well as contract Teachers. Vide impugned order dated 04.11.2020 directed him to vacate the quarter up to 20.11.2020. Petitioner has approached this court on 24.11.2020 against the order after the expiry of the last date of vacating the premises. This apart the petitioner being a daily rated worker and having been allotted to use the premises by the authority cannot claim any infringement of any right accrued to him by being asked to vacate the premises which are required for official purpose.

04. In view of the above, none of the petitioner's right have been infringed which has *sine qua non* for filing of present writ petition, as such, this petition is found without any merit and, accordingly, dismissed, alongwith connected CM.

(Sindhu Sharma)
Judge

JAMMU
28.12.2020
SUNIL-II

Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No

SUNIL KUMAR
2021.01.15 14:36
I attest to the accuracy and
integrity of this document