

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

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**CWP No.6064 of 2021
Decided on : 16.03.2021**

Rajender Prashad

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.D.S.Matya, Advocate
for the petitioner

(The proceedings are being conducted through video
conferencing as per instructions.)

G.S. Sandhawalia , J. (Oral)

By way of present writ petition filed under Articles 226/227 of the Constitution of India, the petitioner challenges the order dated 02.02.2021 (Annexure P-12) passed by respondent No.2, whereby his claim for rejoining to the post of JBT (Guest) Teacher has been rejected. The reasoning given as such by respondent No.2 is that the petitioner is involved in case FIR No.525, dated 01.10.2019, under Sections 148,149,323,452,365,511,506,307 IPC and Section 25 of the Arms Act, registered at Police Station Sadar, Ballabgarh, District Faridabad.

Learned counsel for the petitioner has argued that the petitioner's name had not been mentioned in the FIR at the initial stage and it was only at the subsequent point, his name had figured after 3 days of the incident while recording the statement of wife and daughter of the complainant. He is, however, not able to satisfy the query regarding his absolute legal right to continue on the said post on account of the fact that he is working in the Education Department only as a guest teacher and once

he has been found involved in criminal case pertaining to kidnapping of a minor girl the respondents are justified in not offering him to continue on the post of JBT teacher.

In such circumstances, this Court is of the opinion that the issue as such is not whether the petitioner has been falsely involved in the FIR or not which is only to be adjudicated during the trial and it is settled principle that the right would vest with the trial Court and this Court would not go into that aspect.

Thus, there is no infirmity in the order dated 02.02.2021 (Anexure P-12) passed by respondent No.2. Merely because some other employees as such have been allowed as such to join, during the pendency of the criminal proceedings, does not give the petitioner an absolute right to claim parity on that basis and Article 14 of the Constitution of India is not to be taken as a negative covenant for persons who are involved in serious offences.

Accordingly, the present writ petition is dismissed in limine.

(G.S.SANDHAWALIA)
JUDGE

16.03.2021

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No