

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

**CWP No.8075 of 2021 (O&M)
Date of Decision: 08.04.2021**

Bhim Singh

.....Petitioner

Versus

State of Haryana and ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Raje Ram Kaushik, Advocate for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioner is stated to be serving on the post of JBT in GSSS Barsat, Karnal, Haryana.

Counsel at the very outset has confined the scope of the instant petition only with regard to prayer No. (II) which is coined in the following terms:-

***(II) To direct the respondents to grant remaining 31 days
Earned Leaves.***

Counsel has been heard and pleadings on record have been perused.

Apparently the Principal of the school had taken a decision prior in point of time and sanctioned 69 days earned leaves on the basis of the petitioner having reported late in the school premises and on the basis of online system of biometric attendance.

Petitioner had earlier approached this court by way of filing CWP No.17942 of 2020 raising a grievance that the Principal of the

school was inimical to him and it was for such reason that an adverse order has been passed. Prayer raised at that point of time was for a detailed order to be passed on two complaints that had already been lodged by the petitioner.

The writ petition was disposed of vide order dated 27.11.2020 (Annexure P-5) directing the respondents to take a final decision on the representations that had been submitted by the petitioner.

Apparently and in compliance of the directions issued by this Court the matter was referred to a committee and upon enquiry a speaking order dated 23.2.2021 at Annexure P-6 has been passed and the operative part of which reads in the following terms.

***“Therefore, taking in view the report of the committee, the judgment issued by the Hon'ble High Court and the directions issued by Director General Elementary Education, I have come to the conclusion that his claim for withdrawal of all 69 days leave in lieu of absence from duty is not maintainable except the period of only 38 days out of these 69 days on which Sh. Bhim Singh marked his attendance within first 5 minutes on AEBAS and well in time in the teachers attendance register may be treated as duty period.*”**

I order accordingly.”

sd/-

***District Elementary Education Officer
Karnal***

The order dated 23.02.2021 (Annexure P-6) is not a subject matter of challenge in the instant writ petition.

Under such circumstances there would be no occasion for

this Court to accept even the limited prayer that has been pressed.

That apart the decision has been taken pursuant to an enquiry conducted by a duly constituted committee and the same having been considered and dealt with by the District Elementary Education Officer, Karnal. There is no basis for this Court to take a different view in the matter in exercise of its extra ordinary writ jurisdiction under Article 226 of the Constitution of India

No basis for interference is warranted.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

08.04.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No