

**209 IN THE HIGH COURT OF PUNJAB ANDHARYANA AT
CHANDIGARH**

**CWP No. 8526 of 2020 (O & M)
DATE OF DECISION : 19.03.2021**

Sapna Devi

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. K. S. Dadwal, Advocate,
for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Ms. Ekjot Sandhu, Advocate,
for respondent No.3.

Mr. R. S. Manhas, Advocate,
for respondents No.4 and 5.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

In the return filed by respondents No.4 and 5, a preliminary objection has been taken with regard to maintainability of the writ petition on the ground that alternative remedy of approaching the Education Tribunal under the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974 has not been availed before filing the instant petition.

2. Confronted with the situation, learned counsel for the petitioner submits that, at the relevant time, when the writ petition was filed before this Court, the Education Tribunal was not functional. The post of Chairman was lying vacant and therefore, the petitioner was compelled to approach this Court.

3. In the interregnum, it transpires, that the Education Tribunal is now functional. A former Judge of this Court has accepted the assignment to act as Chairman of the Tribunal.

4. In the premise, instead of relegating the petitioner to alternative remedy, in the interest of expedient disposal of the case, let the Court file bearing CWP No. 8526 of 2020, along with all record and the pleadings be sent to the learned Education Tribunal. File be registered and re-numbered in the Tribunal, as per the procedure being followed by there. The learned Tribunal to then proceed, in accordance with law.

5. The parties are directed to appear before the learned Education Tribunal on 05.05.2021. Registry to comply with the order in the meanwhile. Even though the case was filed before this Court directly, but for the purposes of its disposal in the Tribunal, it shall be treated as a fresh case, to allay the apprehension of learned counsel for the petitioner is that only fresh cases are being heard by the Tribunal.

6. Disposed of in above terms.

MARCH 19, 2021
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No