

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

109

**Civil Writ Petition No.9882 of 2021 (O&M)
Date of Decision: July 02, 2021**

Naresh Kumar

.....Petitioner.

VERSUS

State of Haryana and others

.....Respondents.

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

Present: Mr. Gopal Sharma, Advocate
for the petitioner.

Ms. Kirti Singh, D.A.G. Haryana.

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

G.S. SANDHAWALIA, J.

CM-7540-2021

Application has been filed for placing on record copy of 'The
Haryana Guest Teachers Service Act, 2019' as Annexure P-15.

In view of the averments made in the application, the same
allowed. Annexure P-15 is taken on record subject to all just exceptions.

CWP-9882-2021

By filing present civil writ petition under Articles 226/227 of
the Constitution of India, the petitioner primarily challenges order dated
15.04.2021 (Annexure P-10), whereby he has been removed as Guest
Teacher with immediate effect by respondent No.2.

Perusal of the impugned order goes on to show that the petitioner has been terminated on the basis of complaint No.650/19 and enquiry report submitted by D.E.O. Kaithal.

It is the contention as such of the counsel for the petitioner that enquiry reports were as such in his favour while referring to Annexures P-6, P-7 and P-9. It is, in such circumstances, counsel for the petitioner submits that the impugned order dated 15.04.2021 (Annexure P-11) terminating the services of petitioner, has been passed wrongly and illegally.

On 18.05.2021, both the counsel for the parties had been asked to address arguments as to whether there is an alternative remedy available to the petitioner or not. In pursuance of that, a copy of 'The Haryana Guest Teachers Service Act, 2019' (Annexure P-15) has already been placed on record by counsel for the petitioner.

Perusal of Section 6(2) of the said Act goes on to show that remedy of appeal is provided before the Appellate Authority against the order of removal under Section 6 (1).

Keeping in view the fact that respondent No.2 has passed the impugned order, this Court is of the considered opinion that alternate and efficacious remedy is available to the petitioner to file an appeal against the impugned order before respondent No.1.

Accordingly, the civil writ petition is disposed off with direction to the respondents to treat this writ petition as an appeal and respondent No.1 shall take a decision on the same within a period of two months on receipt on certified copy of the order. Petitioner will be at liberty to supplement the writ petition by filing appropriate representation in

addition to the pleadings and documents appended along with the writ petition. In case, the appeal is to be dismissed, it is expected that respondent No.1 shall pass a reasoned speaking order, stating the grounds for its dismissal.

July 02, 2021
Sachin M.

(G. S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>