

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

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CWP-14803-2021

Decided on : 05.08.2021

Sanjay Kumar

... Petitioner

Versus

State of Haryana & others

... Respondents

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

Present: Mr.R.K.Chandana, Advocate, for the petitioner.

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

G.S. Sandhawal, J. (Oral):-

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of directions to pay compensation to the tune of Rs.8,19,520/- on account of the inaction for giving him appointment to the post of Guest Teacher in the year 2009.

It is the case of the petitioner that as per the judgment dated 04.12.2012 (Annexure P-1) passed by the Addl.District Judge, Jind, his Civil Suit had been decreed and directions had been issued to consider the plaintiff-petitioner for the post of Sanskrit Guest Teacher. It has been pleaded that petitioner had been given appointment as Guest Teacher in the year 2012 but he kept on making representations to ante date his appointment as per the other lesser qualified candidates. It is, thus, on this ground compensation is sought for.

It is settled principle that the Writ Court is not to decide disputed questions of fact and the claim of compensation is not to be decided, in the absence of any evidence that the petitioner has been wronged, which is a matter of evidence, to be dealt by a Civil Court. Even otherwise, it would be a moot point that once the petitioner had approached the Civil Court and led all the evidence, whether he can now claim the said benefit having not claimed the same at the time of filing the Civil Suit.

In such circumstances, the present writ petition is not maintainable under Articles 226/227 of the Constitution of India and the same is dismissed in limine.

AUGUST 05, 2021

**(G.S. SANDHAWALIA)
JUDGE**

Sailesh

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No