

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

CWP-22520-2021(O&M)

Date of decision:-20.12.2021

Sheetal Jain

...Petitioner

Versus

DAV College, Trust & Management Society, New Delhi and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

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

H.S. MADAAN, J.

Case taken up through video conferencing.

1. The petitioner Sheetal Jain working as a Teacher with DAV Centenary Public School, Dangra Road, Tohana, Tehsil Tohana, District Fatehabad was served with a charge-sheet dated 14.12.2020 for committing misconduct. She filed reply to the charge-sheet refuting the allegations challenging the locus-standi of the Local Managing Committee of the school to issue charge-sheet to her. She was placed under suspension vide order dated 25.3.2021.

2. An inquiry against her was instituted and she was required to

appear before the Inquiry Officer at New Delhi. The petitioner submitted several representations asking for further information and granting of more time to prepare her defence but those did not evoke any response.

3. Then she filed an appeal before District Judge, Fatehabad exercising the power of Educational Tribunal, challenging the charge-sheet issued to her as well as order vide which she had been placed under suspension. Notice of the appeal was issued to respondents, who put in appearance. Petitioner Sheetal Jain had prayed for interim protection for staying disciplinary proceedings against her. However, her such prayer was declined by, Educational Tribunal, Fatehabad vide order dated 22.9.2021. As such, she has knocked at the door of this Court by way of filing the present writ petition.

4. I have heard learned counsel for the petitioner besides going through the record and I find that there is absolutely no merit in the writ petition.

5. An employer has got a right to conduct probe into allegations of misconduct on the part of an employee under his control and within his jurisdiction. If the employer feels that such employee can tamper with the record and otherwise influence the departmental witnesses, if continued to perform his/her duties, then such delinquent employee can be placed under suspension. An employee cannot dictate as to who should carry out the inquiry and the place where the inquiry should be conducted. The disciplinary proceedings against an employee cannot be stayed ordinarily unless it is found that the same are being carried out in total violation of rules, regulations and total disregard to principles of natural justice. Here

nothing of that sort could be pointed out.

6. The order passed by the Educational Tribunal, Fatehabad dismissing the application for grant of ad interim injunction is quite detailed and well reasoned. It has been categorically observed that the petitioner has failed to establish three co-existing factors i.e. a prima facie case; balance of convenience and an irreparable loss, which cannot be compensated in terms of money because the inquiry is yet to commence. Therefore, ad interim injunction was declined. I do not see any reason to take a different view in the matter and to interfere with such order passed by the Educational Tribunal, Fatehabad.

7. Under the circumstances, the petition is bound to fail and is dismissed accordingly.

20.12.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No