

CWP-718-2022

Date of decision : January 14, 2022

Champa Devi

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Shalender Mohan, Advocate for
Ms. Alisha Soni, Advocate for the petitioner.

Ms. Kirti Singh, DAG, Haryana. .

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

This writ petition has been filed for setting aside order dated 09.12.2021 whereby services of the petitioner, who was working on the post of JBT/PRT Guest Teacher since 01.09.2006 have been dispensed with allegedly de hors the provisions of law without even the issuance of a show cause notice. It is submitted that Section 6 of the Haryana Guest Teachers Act, 2019 (for short – ‘the Act’) does not in any manner envisage passing of an exparte order by the authorities especially in view of Section 3 of the Act which provides that a Guest teacher already working at the time of notification of the Act shall continue to work in the department till the age of superannuation, notwithstanding the mode or manner of appointment and length of service rendered on the date of commencement of the Act.

However, learned counsel for the petitioner is unable to deny that as per Section 6(2) of the Act, remedy of an appeal is provided. Accordingly,

petitioner is relegated to her remedy of appeal before the appellate authority in terms of Section 6(2) of the Act.

Learned counsel for the State to whom an advance copy of the writ petition has been supplied, fairly states that in case appeal is filed by the petitioner, the same shall be considered and decided expeditiously.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits thereof, this writ petition is disposed of with a direction that in case, the petitioner files an appeal within two weeks from today, appellate authority shall consider and dispose of the same expeditiously in accordance with law preferably within four weeks thereafter, especially keeping in view the averment that impugned order dated 09.12.2021 has been passed without the issuance of even a show cause notice.

January 14, 2022

rts

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No

(LISA GILL)
JUDGE