

CWP-357-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-357-2023

Date of Decision: 17.10.2023

Madhu Mohal

...Petitioner

Versus

Army Public School, Sangrur and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aakash Singla, Advocate for the petitioner

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of termination order dated 12.04.2022 (Annexure P-11) passed by respondent No.2 i.e. Army Welfare Education Society (for short '**Society**').

2. The petitioner is assailing order passed by respondent No.2- Society which is discharging public functions, however, it is not a Government authority.

3. This Court relying upon a two Judge Bench of Hon'ble Supreme Court in *St. Mary's Education Society and Another v. Rajendra Prasad Bhargava and Others; (2023) 4 SCC 498* vide order dated 11.09.2023 passed in *Reena Panta v. Union of India and Others; CWP-6115-2019* has held that in contractual matters, writ petition is not maintainable against Army Welfare Education Society. The relevant extracts of order dated 11.09.2023 read as:

“8. In the present case, concededly the respondent society has been created under Society Registration Act. The respondent body is neither directly nor indirectly controlled by Government. The society is free to make rules with respect to appointment, tenure and termination of its employees. The society is not bound to adopt rules and regulations made by State Government or Central Government with respect to its employees. The respondent-Society is not funded by State. The respondent-society is imparting education which is a public function, thus, it is amenable to writ jurisdiction of this Court. The petitioner was appointed on the basis of a contract executed between the parties. The petitioner is seeking setting aside of her termination from the post of Principal.

9. The petitioner is assailing order dated 27.02.2019 whereby petitioner has been terminated during probation period. Law enunciated by Hon'ble Supreme Court in *St. Mary's Education Society's case (supra)* is squarely applicable to the present case and as per said judgment, the writ petition is not maintainable.”

4. Learned counsel for the petitioner submits that this Court while passing afore-stated order has not considered judgments of different High Courts.

5. In the wake of order dated 11.09.2023 passed by this Court in *Reena Panta (supra)*, the present petition stands dismissed for the want of jurisdiction. The petitioner is at liberty to avail appropriate remedy as permissible by law.

(JAGMOHAN BANSAL)
JUDGE

17.10.2023
Mohit Kumar

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