

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

237

**CWP No.5065 of 2020
Date of Decision : 10.10.2023**

*Dharambir Gautam**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Deepak Vashishth, Advocate, for the petitioner

Mr. Suneel Ranga, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to allow the petitioner to continue in service against the vacant post of Nursery Instructor Swimming in respondent no.5/Green Valley International School, Jamalpur, Bhiwani, till appointment of a regular candidate.

2. During course of the hearing on 19.4.2023, learned counsel for the petitioner restricted his prayer in the petition only to release of salary for the period the petitioner has worked in the school.

3. Learned State counsel submits that the claim raised in the instant petition is essentially against respondent no.5/school, which is a private unaided educational institution. To decide all disputes of employees working in aided/unaided institutions, the government has constituted Educational Tribunals in the districts vide notification dated 2.3.2015, which will have the jurisdiction to decide the issues raised in the

instant petition.

4. Undisputedly, respondent no.5 is a private unaided educational institution. The Educational Tribunals set-up in terms of the aforesaid notification are to adjudicate upon all the disputes of employees working in aided/unaided institutions. This has been so interpreted by a Division Bench of this Court in *Management of S.D. Model Senior Secondary School and another v. District Judge-cum-Service Tribunal and another*, 2014 (1) SCT 652.

5. In view thereof, the petitioner is relegated to jurisdiction of the Educational Tribunal concerned for redressal of his grievances.

6. Registry is directed to send complete record of the instant case to the concerned Educational Tribunal for adjudication on merits.

(TRIBHUVAN DAHIYA)
JUDGE

10.10.2023
Ashwani

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