

In the High Court of Punjab and Haryana, at Chandigarh

**IOIN Civil Writ Petition No. 5798 of 1991 In/And
Civil Writ Petition No. 5798 of 1991**

Date of Decision: 13.02.2023

Krishna Bai

... Petitioner(s)

Versus

The State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Kavita Arora, Advocate
for Mr. S.C.Pathela, Advocate
for the petitioner(s).

Mr. R.K.Kapoor, Additional Advocate General,
Punjab, for the respondent No.1 to 3.

Mr. Amit Jain, Senior Advocate
with Ms. Aeshna Jain, Advocate
for the respondent No.4.

Anil Kshetarpal, J.

1. This writ petition has come up for disposal after a period of 32 years. The petitioner was appointed as a Junior Basic Training Teacher (hereinafter referred to as “JBT Teacher”) in the Hindu High School, Raman, on 30.07.1990. As per her appointment letter, she was required to remain on probation for a period of one year and her appointment was subject to approval of the Government as she was working on an aided post. The Hindu High School is a privately managed aided school. The petitioner’s service was dispensed with during the probation period on the ground that her work and conduct was not found satisfactory.

On 21.07.1993, a detailed order was passed while directing the

Senior Sub Judge, Bhatinda, to record a firm finding of fact with regard to the actual date of order dated 16.04.1991. The petitioner claims that in fact, the order dated 16.04.1991 has been passed subsequently and it has been wrongly ante dated.

3. It appears that pursuant to the directions of the High Court, a report was submitted by the Civil Judge (Senior Division), Bhatinda, however, its copy is not available on record. Repeated efforts made to locate the aforesaid report have failed. The District and Sessions Judge, Bhatinda, vide communication dated 09.02.2023 has informed that no record in this matter is available with him

4. The learned counsel representing the respondent No.4 has also informed that the petitioner was appointed on the basis of a diploma from the University in the State of Rajasthan, however, the same was not recognized by the State of Punjab. The State Government never given its approval to the appointment of the petitioner. Hence, the petitioner's service was dispensed with during the probation period on account of unsatisfactory work and conduct.

5. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

6. The learned counsel representing the petitioner contends that as per the appointment letter, her service could be dispensed with only after granting her an opportunity to explain her work and conduct. She further submits that her salary for the period she worked had not been paid by the concerned department.

311 of the Constitution of India shall have no application in the facts of the case. Additionally, her appointment was only subject to approval by the Government which was never granted. Moreover, her service was dispensed with during the probation period.

8. Keeping in view the aforesaid facts, this Court does not find it appropriate to exercise its writ jurisdiction to set aside the resolution of the management dated 16.04.1991. However, the learned counsel representing the management has submitted that the arrears of the petitioner's salary, if any, shall be paid, positively, within a period of two months from today, provided she submits a representation in this regard which, on verification, shall be decided.

9. With the observations made above, the present writ petition stands disposed of.

(Anil Kshetarpal)
Judge

February 13, 2023
"DK"

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