

111.

2023:PHHC:051207

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

CWP-7333-2023

Date of Decision: 13.04.2023

AVNISH KUMAR SHARMA ALIAS AVINESH

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vikram Singh Punia, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of mandamus directing the respondents to release the salary and other pensionary benefits to the petitioner herein who stood dismissed on account of an FIR bearing No.738, dated 10.09.2013, having been registered against him under Sections 376(2)(f)(1), 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, and convicted by the trial Court. It is argued that in a criminal appeal preferred before this Court, the petitioner stands acquitted.

2. Notice of motion to the official respondents only.

3. At this stage, Mr. Anant Kataria, DAG, Haryana, who is present in Court, accepts notice on behalf of official respondents. He would submit that the present writ petition itself is not maintainable at this juncture in the

High Court and in fact the petitioner ought to avail of his remedy before the Educational Tribunal which had been set up under the directions of the Supreme Court in *T.M.A. Pai Foundation Versus State of Karnataka, 2003 AIR (SC) 355*. It is submitted that since an alternative efficacious remedy is already available, the petitioner ought to be relegated to file an appeal before the Educational Tribunal at Jind.

4. I have heard learned counsel for the parties and deem it appropriate to direct the petitioner herein to file an appeal before the Educational Tribunal headed by District Judge, Jind. In case the appeal is filed within a period of two weeks from today, the same be decided expeditiously preferably within a period of one year from filing of the appeal.

5. Writ petition stands disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

13.04.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No