

106.

2023:PHHC:045509

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

CWP-21182-2017

Date of Decision: 27.03.2023

SUNIL @ SUNIL KUMAR AND ANOTHER

.... Petitioners

Versus

STATE OF HARYANA AND ORS.

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D.S. Adlakha, Advocate,
for the petitioners.

Mr. Anant Kataria, DAG, Haryana.

Mr. Sehaj Mahajan, Advocate, for
Mr. Ashwani Talwar, Advocate, for respondents No.3 and 4.

JAISHREE THAKUR.J (Oral)

1. The present writ petition has been filed seeking to challenge the action of the respondents in denying the petitioners an opportunity to serve on the respective posts of Technical Assistant and Laboratory Assistant by terminating their services and further replacing them by the private respondents.

2. Learned counsel appearing on behalf of the petitioners would inter alia contend that the petitioners had been working since the year 2010 with the Managing Committee DAV (PG) College, Karnal, respondent No.3, however, their services were summarily dispensed with without following due process and that the said respondents engaged persons of their own choice replacing the petitioners herein.

3. At this stage, counsel appearing on behalf of respondents No.3 and 4 would submit that the petitioners herein were working with the respondent-College and, therefore, the very writ petition would not be maintainable as they would have a remedy of approaching the Educational Tribunal as has been constituted 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 vide judgment rendered, notifications have been issued whereby Educational Tribunals have been constituted and, therefore, the petitioners ought to avail their remedy thereunder.

4. I have heard learned counsel for the parties and in view of the fact that the Educational Tribunal has been constituted, the writ petition is disposed of by relegating the petitioners to approach the Tribunal for redressal of their grievance.

5. Let the record of the writ petition be remitted to the Educational Tribunal at Karnal.

6. Parties herein are directed to put in appearance before the said Tribunal on 17.05.2023.

7. The question of limitation would not arise considering the fact that the petitioners herein had approached this Court well within time.

8. Disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

27.03.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No