

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

**CWP-26941-2018 (O&M)
Date of decision : 23.01.2023**

Guru Nanak Prem Karmsar Collegiate School Petitioner

versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Nitin Verma, Advocate for
 Mr. Sameer Sachdeva, Advocate
 for the petitioner.

 Mr. Inderpreet Singh Kang, AAG, Punjab.

 Mr. Sahil Soi, Advocate
 for respondent No.3.

PANKAJ JAIN, J. (Oral)

Present writ petition has been filed challenging the order passed by the Educational Tribunal dated 17.07.2018 placed at Annexure P-1 alongwith the writ petition.

2. The solitary ground for attack that has been pressed into service by the petitioner is that the matter ought not have been decided by Single Member Bench comprising of Chairman of the Tribunal only.

3. Reference has been made to the regulations framed in exercise of power under Section 7-A(10) of the Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974 called the Educational Tribunal Punjab (Procedure) Regulations, 2009. Relevant regulation reads as under:-

“xx xx xx

(e) “Tribunal” means a Bench of the members as on the day when the proceedings are taken up for consideration.

(f) As a general rule, the Tribunal shall while hearing any appeal/petition be comprised of the Chairman and its Members. The Tribunal may, however, sit in a Division Bench as constituted by the Chairman.”

4. Counsel for the petitioner submits that in view of the fact that regulations provide that the quorum for the Tribunal shall be the Chairman along with one of the members, the impugned order having been passed by coram non judice cannot be sustained.

5. Mr. Soi appearing for respondent No.3 does not dispute the aforesaid factual assertions based on record. However, he refers to regulation 4(f) to submit that the Single Bench is not barred under the regulations and thus no fault can be found with the quorum.

6. I have heard counsel for the parties.

7. Keeping in view of regulations applicable, it cannot be said that the order has been passed by the Tribunal in valid quorum. Thus, the Tribunal on the date being coram non-judice could not have passed the impugned order.

8. Resultantly, the impugned order is set aside. Matter is remanded back to the Tribunal to decide the same afresh. The matter relates to the year 2017. Already almost 06 years have passed, thus, the Tribunal shall make an endeavour to decide the same expeditiously preferably within 06 months from the date of receipt of certified copy of this order.

9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

23.01.2023

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Whether speaking/reasoned :

Yes

Whether Reportable :

No