

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

**CWP-28278-2019
Date of decision: 17.03.2023**

BIMLA WANTI

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jawahar Lal Goyal, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

Learned counsel for the petitioner has filed this writ petition for the issuance of an appropriate writ in the nature of certiorari, for quashing the order dated 28.12.2018 passed by respondent No.4-District Primary Education Officer(after changing the nomenclature of the post) dismissing the claim of the petitioner for counting her previous service rendered in private aided school on a sanctioned post from 07.11.1988 to 27.01.1992 prior to joining in the School Education Department, Haryana.

On 22.02.2023, the following order was passed:-

“Reply to the legal notice submitted by the respondent No.4 shows that the record of the petitioner in respect of her initial appointment from 07.11.1988 to 27.01.1992 is not available with the respondent-authority, therefore, the calculations have been made from 28.01.1992 to 28.02.2014 for the purposes of assessing length of service towards pensionary benefits.

Learned counsel for the petitioner by referring to the experience certificate submitted by Shree Veer Jain Girls School, Hansi dated 06.08.1991 submits that the

same was counter-signed by the respondent No.4 itself on 13.08.1991, therefore, there was no question of pleading ignorance about the availability of record with the respondent No.4, particularly in view of the fact that the petitioner had submitted all the necessary documents at the time of her appointment and the respondents should have inquired from the said School with reference to Government record which was aided institution at the relevant time. In the written statement some different ground has been taken to discard the claim of the petitioner.

Learned State counsel seeks a very short adjournment in order to have further instructions.

Adjourned to 17.03.2023.

Learned State counsel on instructions and also with reference to reply filed on behalf of the respondent Nos.1 to 7 submits that the factum of countersigning the experience certificate of the petitioner issued by the private aided school i.e. Sh. Veer Jain Girls School, Hansi, has been verified and the said document carries genuine signature of respondent No.4. Since, the relevant record is not available with the respondent-department and, therefore, it has to be taken to be a fact that the petitioner had served in the aforesaid privately aided school on a sanctioned post from 07.11.1988 to 27.01.1992 and, thereafter, she was appointed in the Department of School Education, Haryana respondent No.4-District Primary Education Officer(after changing the nomenclature of the post) w.e.f. 28.01.1992 and ultimately retired on 28.02.2014 without there being any break in service between the two tenures. Since, experience certificate issued by the private aided school was duly countersigned by respondent No.4 on 13.08.1991 therefore, even if the relevant record is not available with the department, it has to be taken to be a fact that the petitioner had served the privately aided school from 07.11.1988 to 27.01.1992 and she was qualified for the benefit of counting the said service for the purposes of retiral benefits.

At this stage, without meaning anything on the total qualifying service towards different benefits, I deem it appropriate to dispose of this writ petition by directing the respondents to count the past service of the petitioner from 07.11.1988 to 27.01.1992 on the basis of material on record i.e. experience certificate issued by the privately aided school, which was duly countersigned by the respondent No.4 on 13.08.1991. Needless to say that this Court has not opined anything in respect of any particular benefit of the petitioner. After counting the aforesaid period towards total length of service, respondent would be obligated to consider the case of the petitioner in respect of different retiral dues within a period of two months from the date of receipt of certified copy of this order.

Disposed of.

17.03.2023

himanshu

**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No