

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

LPA-954-2022(O&M)
Date of decision: 24.02.2023

Kulbhushan Rana

... Appellant

Versus

Director General School Education-cum-State Project Director, Sarv Sikhya Abhiyan Authority, Chandigarh and others Thapar Polytechnic College, Thapar Technology Campus, Patiala, District Patiala and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Surmukh Singh, Advocate, for the appellant.

RAVI SHANKER JHA, C.J. (Oral)

This appeal has been filed by the appellant being aggrieved by order dated 02.08.2022, passed by the learned Single Judge (in CWP-16797-2022), dismissing the petition filed by him, wherein he had prayed for a direction to the respondent-authorities to re-engage him on the post of Voluntary Teacher as well as challenging the order dated 17.05.2022 (P-18) passed by respondent No.5-Educational Tribunal, Punjab, and the order dated 28.08.2014 (P-8), passed by respondent No.4-Deputy Commissioner, Hoshiarpur.

The brief facts leading to the filing of this appeal are that the appellant was initially engaged as an Education Volunteer in terms of the resolution dated 16.03.2009 (P-1). Fairly after working for six months, the appellant submitted his resignation on 08.09.2009 to undertake B.Ed. course. It is alleged that thereafter, on completion of B.Ed. course, the appellant applied for re-joining his post in the years 2011 and 2012, but the same did

not yield any result. However, on persisting in his representation, the Deputy Commissioner, Hoshiarpur-respondent No.4 passed an order dated 28.08.2014 (P-8), rejecting his representation. It is stated by the appellant that thereafter, he filed another representation before the authorities in the year 2016 and also filed a petition bearing Petition No.172 of 2019 before the Educational Tribunal, Punjab, which was dismissed as withdrawn with liberty to file afresh with better particulars by order dated 11.02.2022. Thereafter, the appellant filed Petition No.34 of 2022 before the Educational Tribunal, Punjab, which was dismissed vide order dated 17.05.2022, for the claim of the appellant was found to be without merit. Further, the appellant being aggrieved filed a writ petition before this Court, which was dismissed by the learned Single Judge vide impugned order dated 02.08.2022.

We have heard learned counsel for the appellant at length.

From a perusal of the record, it is evident that the appellant having been engaged as Education Volunteer on 16.03.2009 submitted his resignation from the said post on 08.09.2009, clearly stating that he was doing so as a technical resignation although his request for being permitted to pursue his B.Ed. while in service had been rejected by the authorities. Evidently, the resignation was submitted by the appellant on refusal of the authorities to grant him education leave and to pursue his B.Ed. course while in service. It is also clear that thereafter the appellant's claim for rejoining was dismissed and rejected by the authorities on 28.08.2014, but the appellant did not take up any proceedings against the same for a very long period of time, and did so only for the first time by filing Petition No.172 of 2019 before the Educational Tribunal, Punjab after five years, which too was dismissed as withdrawn with liberty to file afresh with better particulars and

the second petition/approach by the appellant before the Tribunal was made after a lapse of three years. Evidently, the issue raised by the appellant suffers from delay and laches on his part. Even otherwise, on merits, learned counsel for the appellant has failed to produce before this Court any rule to indicate that a person having tendered its resignation from a particular post is entitled to rejoin the said post after a long lapse of several years. In the absence of any such provision, and consequently in the absence of any right to rejoin the post, we do not find any infirmity or illegality in the order passed by the learned Single Judge.

The appeal is accordingly dismissed.

(Ravi Shanker Jha)
Chief Justice

(Arun Palli)
Judge

24.02.2023
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO