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

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CWP-11478-2003 (O&M)

Date of decision: 03.09.2024

Hawa Singh

..Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for issuance of a direction to the respondents to reinstate the petitioner, who was working as JBT teacher, with consequential benefits and release the balance amount of subsistence allowance and GPF.

2. The premise to claim the aforesaid relief as is evident from perusal of the writ petition is that Section 324 IPC for which the petitioner was convicted did not involve moral turpitude, as also that he was released on probation by the Appellate Court vide judgment dated 10.07.1999, against which CRR-1061-1999 had been filed challenging the conviction, wherein the execution of sentence of imprisonment alone was stayed, till its final disposal.

3. Learned State counsel while referring to written statement, states that the aforesaid revision petition was dismissed by this Court vide judgment 01.10.2008, passed during the pendency of the present case, as such, the conviction of the petitioner stands upheld. The benefits to which he was entitled i.e. GPF and subsistence allowance as per rules, have already been paid to him.

4. The issue involved in the present case stands decided by the Division Bench of this Court in **Jai Kishan vs. State of Haryana and**



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others, CWP-9119-2003, decided on 17.02.2005, against which SLP-16965-2005 filed was dismissed on 25.08.2005, wherein also the conviction was for the offence under Section 324 IPC, the relevant paras whereof read thus:-

“10. True it is that an offence under Section 324 Indian Penal Code is not included in the list of heinous crimes involving 'moral turpitude' in the aforementioned government policy. We are, however, of the firm view that parameters in relation to "moral turpitude" would always vary from case to case. The job of a school teacher is not merely a government service. He is the trustee of our future generations. The knowledge he imparts, the conduct he demonstrates, and the value he delivers, are essential to adjudge him as to whether he is a teacher or a mere government employee. The conduct of a teacher has to be above board and worthy of emulation and not like the petitioner who carries the burden of allegations in a murder case over his shoulders and indulged in free fights causing injuries to one of the victims. In our view, there might not be that much aberration of 'moral turpitude' if an ex-convict of Section 324 Indian Penal Code is to be employed like a Mechanic in a workshop or a Bus Conductor but to install him as a guardian of the youngsters who are in an impressionable age is to deprive them of the impeccable moral values, idealistic philosophies and ethics that they are supposed to be imbibing.

11. That apart, it appears to us that when the "conduct of a person which leads to his conviction on a criminal charge" has a material bearing in relation to his retention in government service in terms of the mandate as contained in Clause (a) of Second Proviso to Article 311(2) of our Constitution, such a consideration cannot be altogether



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alien for the purpose of his appointment to Government service.

We, therefore, do not find it a fit case to invoke our extra-ordinary writ jurisdiction under Section 226 of the Constitution so as to command the respondents to appointment or reinstate the petitioner as a Sanskrit Teacher and consequently dismiss this writ petition with no order, however, as to costs.”

5. In view of the above, the present petition being devoid of merit, is hereby dismissed.

03.09.2024
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No