

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

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**CWP No.8375 of 2024
Date of Decision : 18.4.2024**

*Ravinder Kumar**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Tarun Vaid, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 7.12.2023, Annexure P-18, whereby the petitioner's claim for adjustment as guest teacher has been rejected.

2. Learned counsel for the petitioner has contended that the impugned order has been wrongly passed. It remains undisputed that the petitioner had worked as Extension Lecturer History from 18.7.2007 to March 2008 in Government Senior Secondary School, village Lilodh. Accordingly, his right to adjustment/engagement could not have been declined.

3. It is apparent on record that the petitioner earlier filed a civil suit, CS No.92 of 2008 before Civil Judge, Kosli, titled *Ravinder Kumar v. Director, DSE, Panchkula and others*, to claim engagement as guest teacher. The suit was dismissed. The appeal against it before the District Judge, CA No.202 of 2012, was also dismissed with costs on 23.5.2014.

After about a decade, he approached this Court by filing CWP No.20205 of 2023 for setting aside an order dated 22.5.2010, passed by the Director, School Education, whereby his representation, dated 3.2.2009, had been rejected. A direction was also sought to re-adjust him on the vacant post of guest teacher on the basis of guidelines for temporary adjustment dated 2.12.2008. The petition was dismissed as withdrawn vide order dated 13.9.2023, Annexure P-16.

4. It is claimed that after dismissal of the earlier petition, the petitioner through his advocate submitted a letter, dated 25.9.2023, to the Director, Secondary Education, requesting to reconsider his earlier representation. The dismissal of petitioner's earlier writ petition by this Court vide order dated 13.9.2023, was not disclosed to the Director. Accordingly, the third respondent/Principal, Government Senior Secondary School, Lilodh, was asked to reconsider the matter as per rules, vide letter dated 30.10.2023. In these circumstances, the issue was reconsidered by the third respondent, leading to passing of the impugned order dated 7.12.2023.

5. It has been mentioned in the impugned order that as per the school record applications were never invited for appointment of guest lecturer in History because there was no sanctioned post in the School on 16.7.2007. The petitioner's claim that he started teaching from 18.7.2007, is also wrong because at that time a lecturer in English was made In-charge of the school by way of internal adjustment who had no authority to appoint guest lecturers. Besides, the Department, vide letter dated 31.8.2007, had already directed District Education Officer (DEO) not to engage guest teacher of any category till first semester of the year was

over. Again, vide letter dated 17.11.2007, a ban was imposed on engagement of guest teachers. Accordingly, no guest teacher was engaged in the School during that period. Sh. Dharamveer Singh, Lecturer in History, was adjusted in the School by the DEO on 6.12.2007 by way of internal adjustment, and he taught the subject till 1.4.2008. It is also recorded in the impugned order that the petitioner had given in writing that he would teach the students voluntarily, and taught the subject of History to students for some days, but not till March 2008. Finding his claim not tenable, the request for readjustment was rejected by the third respondent vide the impugned order.

6. Heard.

7. None of the facts aforementioned could be disputed by learned counsel for the petitioner. Accordingly, filing of the instant petition is an abuse of the process of law. Firstly, the petitioner's claim to have worked as Extension Lecturer in the School, from 18.7.2007 to March 2008, has not even *prima facie* been established on record; rather, the impugned order specifically records that he never worked in the School in that capacity. Further, his claim for adjustment as Extension Lecturer has already been rejected by the civil Court by dismissing his suit, appeal against the same also stands dismissed in 2012. He approached this Court earlier by filing CWP No.20205 of 2023, claiming similar relief as has been claimed in the instant petition; the petition was dismissed as withdrawn. By concealing this fact, he again approached the Director, seeking reconsideration of his representation, leading to passing of the impugned order. There is no justification, nor any cause of action has arisen to the petitioner to file the instant petition merely because his

representation has been rejected on reconsideration of the matter, since it was by concealing the factum of dismissal of the petition by this Court on 13.9.2023, that he had approached the Director seeking reconsideration of the issue. Besides, after dismissal of the civil suit as well as the appeal against the decree, the petitioner had no right to approach this Court or the Director seeking the same relief of readjustment as Extension Lecturer, that too by pleading wrong facts regarding his engagement. His repeated attempts at approaching the Courts as well as the authorities, in fact, are a blatant abuse of the process of law that has resulted in waste of public time.

8. Accordingly, the petition is dismissed with costs of ₹25,000 to be deposited by the petitioner with the Post Graduate Institute of Medical Education and Research Poor Patients Welfare Fund, Chandigarh, within four weeks.

(TRIBHUVAN DAHIYA)
JUDGE

18.4.2024
Ashwani

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