

203

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3039-1999 (O&M)

Date of Decision: 29.01.2024

Rattan Chand and others

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Akhil Dadwal, Advocate for
Mr. Krishan Singh Dadwal, Advocate,
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The counsel for the petitioners states that the file of the writ petition is misplaced. Writ Petition is pending since 1999. Petitioner No.1 was already deleted from the array of petitioners. Considering that it is a very old matter, this Court rejects the prayer for adjournment.
2. Brief facts which are curled out from the pleadings are that the petitioners had been appointed by a managing committee of the privately managed school namely Hans Raj Arya High School, Garhshankar. The new managing committee which was elected in March 1997 found five posts were lying vacant in the school due to the retirements. One post of Headmaster was lying vacant, one post of Science Master was lying vacant, one post of Punjabi Master was lying vacant, one post of Hindi Master was lying vacant, and one post of Sweeper was also lying vacant on account of the retirement of the concerned persons holding the said posts. The managing committee in

terms of Rule 7 of the Punjab Privately Managed Recognised Schools Employees (Security of Service) Rules, 1981 being the appointing authority issued an advertisement, and the petitioners applied for the posts and their names were recommended by the selection committee for the posts for which they had applied.

3. It is stated that the management accepted the recommendations of the selection committee and appointment orders were also issued on 02.04.1998, and they were asked to join on 07.04.1998. On the said date i.e.07.04.1998, the names of the petitioners were sent to respondent No.2 for approval. Before approval could be given, the respondents constituted a new management committee and sent the same for approval to the State Government, and one Nand Gopal Soni was appointed as a Correspondent of the school.
4. The new management dispensed with the services of the petitioners, and other persons were appointed in place of the petitioners. The petitioners preferred writ petition No.16136-1998 challenging the actions of the respondents in disallowing them to continue on the posts and with the prayer that the respondents be restrained from interfering with the peaceful performance of duties. This Court directed that the representation of the petitioners dated 30.09.1998 be decided first by the managing committee.
5. In the meanwhile, another advertisement was issued for filling up the posts by the new managing committee which was challenged by the petitioners in CWP-16994-1998. The writ petition was decided on 05.11.1998 with the observations that if the representation is decided in their favour, they may revive their claim. However, their representation

was rejected and the formation of the new managing committee was upheld. Feeling aggrieved against the decision of respondent No.3, the present petition has been filed inter alia on the grounds of illegality, and it is stated that if the new managing committee is formed, it cannot have retrospective authority. It is stated that the actions of the earlier committee cannot be declared invalid. Allegations of mala fide were also made.

6. The respondents in their reply have denied the facts, and it is stated that in compliance of the order passed by this Court dated 14.10.1998 in *CWP-16136-1998 in Rattan Chand and others vs. State of Punjab*, representation of the petitioners was considered and it was found that the committee which came into existence on 21.02.1998 headed by Hakim Om Parkash and Nand Gopal Soni is legally valid committee. Contempt petition filed by the petitioners was also rejected, and it has been stated that the selection being conducted by the concerned managing committee which has been found to be legal and valid, does not warrant any interference.
7. I have considered the submissions. This Court finds that the contentions raised by the petitioners for insisting in continuance of their appointment on the basis of the recommendations made by the managing committee are found to be without basis. The managing committee headed by Ramesh Chand Babbar had no authority in law to issue appointment orders as the managing committee was reconstituted on 21.02.1998 headed by the Hakim Om Parkash and Nand Gopal Soni as manager. It was proved as Ramesh Chand Babbar resigned on 17.01.1998.

8. Thus, this Court finds that the petitioners have not been appointed in legal and valid manner, and their appointment was for a very short period which was not approved. Regular selections have been made thereafter. No interim orders were passed in favour of the petitioners. More than almost 25 years have elapsed. No case for interference is therefore made out.
9. Writ Petition is therefore *dismissed*.
10. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

January 29, 2024
Mohit goyal

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |