



CWP-5874-2004 (O&M)

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

**CWP-5874-2004 (O&M)
Date of decision: 16.09.2024**

DARSHANA DEVI

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr.Vikram Jeet Singh, Advocate for the applicant/petitioner.

Mr. Surya Kumar, AAG, Punjab.

Mr. Dinesh Kumar, Advocate for
Mr. Arvind Galav, Advocate for respondent Nos.4, 6 and 7.

NAMIT KUMAR, J. (ORAL)

CM-10825-CWP-2024

This is an application under Section 151 CPC for fixing some actual date of hearing in the main petition.

Pursuant to the notice issued in the application on 16.07.2024, learned State counsel has tendered his no objection for taking up the main case.

In view of the averments made in the application, the same is allowed and the main case is taken up on board today itself.

CM stands disposed off.

Main case

1. Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, quashing the order dated 15.01.2004 (Annexure P-11) passed by respondent No.7, directing respondent No.5 to relieve the petitioner from the school and subsequent order of the same date i.e. 15.01.2004 (Annexure P-12)

Passed by respondent No.5, relieving the petitioner from the school. Further



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seeking a writ of mandamus, directing respondent Nos.1 to 3 to grant the approval to the appointment of the petitioner w.e.f. January 16, 2003 i.e. the date on which the petitioner had joined in pursuance to the letter of appointment dated January 7, 2003 against the post advertised in February, 2001 and to regularize the services of the petitioner after she satisfactorily completed the probation period of one year.

2. Learned counsel for the parties are *ad idem* that the dispute being *inter se* the Management and the employee-petitioner, falls within the jurisdiction of the Educational Tribunal in terms of Section 7-A of the Punjab Affiliated Colleges (Security of Service) Act, 1974, therefore, the same may be transferred to the Tribunal for adjudication.

3. In view of the above and without commenting on merits of the case, the present petition is ordered to be transferred to the Educational Tribunal, Punjab having the jurisdiction. Parties are directed to appear before it on 22.10.2024.

4. Registry is directed to send the record of this case to the Tribunal forthwith.

16.09.2024

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(NAMIT KUMAR)
JUDGE

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