

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

251

CWP-11549-2023 (O&M)
Date of decision : 07.02.2024

Dr. Neelam SharmaPetitioner

V/S

State of Punjab and othersRespondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Gurnoor S. Sandhu, Advocate for the petitioner.

Mr. Ajit Singh Natt, A.A.G., Punjab.

Mr. M.K. Dogra, Advocate for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India for quashing the order dated 02.05.2023 (Annexure P-33), passed by the respondent-College vide which the petitioner, who is working as an Assistant Professor on regular basis, has been relieved from service by superannuating her at the age of 58 years, whereas the retirement age is 60 years as fixed by Department of Higher Education, Government of Punjab vide letter dated 22.03.2023.

2. Learned counsel for respondent No.2 submit that the instant writ petition is not maintainable before this Court and the remedy lies with the Education Tribunal, Punjab. In support of his submission learned counsel for respondent No.2 has placed reliance upon the judgments passed by this Court in *Surinder Krishan Sharma*

Vs. State of Punjab and others : 2019(4) S.C.T. 30 and CWP

No.25942 of 2012 titled as ‘Suresh Sharma Vs. State of Punjab and others’ decided on 11.04.2019.

3. Learned counsel for the petitioner has no objection if the matter is referred to the Educational Tribunal for passing appropriate orders.
4. I have heard learned counsel for the parties and perused the relevant documents.
5. In the present case, the grievance of the petitioner fall under the ambit of cases having dispute qua the educational institutions viz a viz Managing Committee and their employees as per Punjab Affiliated Colleges (Security of Service of Employees) Act, 1974. Therefore, the Educational Tribunal will have the jurisdiction to decide all such disputes.
6. Accordingly, the petitioner is relegated to the jurisdiction of Educational Tribunal, Punjab for the redressal of her grievances. The record of the present writ petition be sent to the Educational Tribunal for passing appropriate orders.
7. Parties are directed to appear before the Educational Tribunal, Punjab on 04.03.2024.
8. The present writ petition stands disposed of in above terms.
9. Applications pending, if any, stands disposed of accordingly.

07.02.2024
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Whether speaking/reasoned:
Whether Reportable:

(NAMIT KUMAR)
JUDGE

Yes/No
Yes/No