



CWP-14102-2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CWP-14102-2017

Date of Decision: 03.09.2024

SALMA

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Kuldip Singh Chaudhary, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *mandamus* restraining the respondents from replacing the petitioner with another contractual employee/Sweeper.

2. Learned counsel for the petitioner contends that the petitioner was engaged as Sweeper in the Saarthak Government Model Integrated Senior Secondary School, Sector 12A, Panchkula, in July, 2011, on contractual basis. She continued working till 31.05.2017, when she was replaced by the fourth respondent.

3. Learned State counsel contends that the petitioner was never engaged by the Department, and her services were made available by an Outsourcing Agency/second respondent. Her terms of engagement with the Agency were renewed from time to time, and she continued working till 31.05.2017. She was relieved by the Agency on certain complaints having been received, dated 22.03.2017 and 19.04.2017, Annexures R-1 and R-2, respectively. He further contends that she has not been replaced by any other

employee, as the fourth respondent was already working in the School through the Agency from October, 2016 onwards, when the petitioner was in service.

4. Since the petitioner was engaged through an Outsourcing Agency and was not in employment of the Department, the instant petition is not maintainable as a writ under Article 226 cannot be issued against a private entity/Agency, which is not an authority under Article 12 of the Constitution.

5. In view thereof, the petition stands disposed of with liberty to the petitioner to avail an alternate remedy, in accordance with law.

(TRIBHUVAN DAHIYA)
JUDGE

03.09.2024
Ad

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>