



CWP-17598-2000 (O&amp;M)

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

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CWP-17598-2000 (O&amp;M)

Date of Decision: 27.08.2025

**Virender Kumar Malik (Now deceased) through his LR****...Petitioner(s)****Versus****Malviya Shiksha Sadan and another****...Respondent(s)****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present:- Mr. Shubham Saroha, Advocate for the petitioner

Mr. Gaurav Mohunta, Advocate and  
Mr. Pratyush Sood, Advocate for the respondents**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to grant the petitioner regular scale of pay for the post of Trained Graduate Teacher (TGT) Maths, i.e., ₹5500-9000 and treat him as regular Teacher.

2. Learned counsel for the petitioner contended that the petitioner was issued provisional appointment letter on 29.11.1996, Annexure P-3, certifying that he had been appointed as permanent Teacher in the School since 12.07.1990, and that his appointment letter had been lost. It reads as under:

This is certified that Mr. Virender Kumar S/o Sh. Ram Singh Malik is a permanent teacher in our School since 12<sup>th</sup> July, 1990. The appointment letter of Mr. Virender Malik has been lost anywhere which had the following details:

Candidate (Mr. Virender Kumar Malik S/o Sh. Ram Singh Malik, Date of Birth 9.5.1970) is hereby appointed to the post of T.G.T. (Maths) on permanent basis in the pay scale of Rs.1400-2600 plus usual allowances as admissible under Govt. rules from

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time to time and in the school mentioned against his name. The appointment will take effect from the date he joins duty in the school concerned. His joining period is 12.07.1990 to 22.07.1990.

Sd/- 29.11.96  
Principal  
Malviya Shiksha Sadan  
Senior Secondary School  
Sonapat - Haryana.

2.1. To establish that the petitioner had been working as permanent Teacher in the School since 12.07.1990, reliance has also been placed on an experience certificate dated 29.11.1996, Annexure P-4, issued by the Principal on the same lines as the provisional appointment letter.

3. Learned counsel for the respondents, on the contrary, contends that the petitioner was never appointed as TGT Maths, nor were the provisional appointment letter dated 29.11.1996, or the certificate dated 29.11.1996 ever issued by the School Principal. These are forged and fabricated documents created by the petitioner on the blank signed letter heads of the School Principal which were handed over to him when he was deputed to take students to see an exhibition in Delhi, for the reason in case '*some authorisation was required to be submitted there, for getting entry to the exhibition premises*'. Their case is that the petitioner was only appointed in the School for 'tutorial guidance' in the hostel on a fixed salary of ₹700 per month vide letter dated 09.07.1990, Annexure R-1, and he kept on rendering services as such. Sometime later, he made a request for adjustment in the School during summer vacation also, vide letter dated 20.04.1992, Annexure R-2, acknowledging that he had been working in the School as Day Scholar. Since the petitioner had never been appointed as TGT Maths, he cannot claim regular scale of pay meant for the post.

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4. Heard.

5. As per facts brought on record, it remains disputed that the petitioner was ever appointed as TGT Maths in the School. The provisional appointment letter, dated 29.11.1996, refers to his appointment as permanent Teacher since 12.07.1990, but does not refer to any appointment letter issued to him or its date. The experience certificate of the same date also does not refer to any appointment letter as TGT Maths. The salary bill of the School Teachers for the month of June, 2000, Annexure P-5, also does not mention the petitioner's name. On the contrary, the respondents have placed documents on record, i.e., appointment letter issued to the petitioner for 'tutorial guidance' in the hostel dated 09.07.1990, as also a letter submitted by him dated 20.04.1992, stating that he had been teaching in the School as Day Scholar and needed adjustment during summer vacation. Accordingly, on the basis of documents aforementioned, it cannot be said that the petitioner was ever appointed as TGT Maths in the School. Therefore, he cannot be held entitled to regular pay scale meant for the post, nor can he be treated as a regular Teacher.

6. In view thereof, the petition stands dismissed.

7. Pending miscellaneous application(s), if any, also stand(s) disposed of.

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

**27.08.2025***Payal*

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No