

2025:PHHC:002173-DB



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

**CWP-11968-2022 (O&M)
Date of decision: 09.01.2025**

Amarjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUDHIR SINGH**

Present: Mr. Shivam Kapila, Advocate,
for Mr. Kapil Kakkar, Advocate,
for the petitioner.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Mr. Rishabh Gupta, Advocate,
And Mr. Sandeep Kumar, Advocate,
for respondent No.2.

SHEEL NAGU, C.J. (ORAL)

Petitioner, through this petition, prays for issuance
of a writ in the nature of Mandamus with the following
prayer:-

- (i) directing respondent Nos.1 and 2 to cancel the
affiliation of respondent No.3-college on
account of various illegalities and irregularities
being committed by the said college while
functioning, particularly by not paying the
salary and retiral benefits to the staff for years
depriving them the right to livelihood as
enshrined in Article 21 of the Constitution of
India.

(ii) Further prayer has been made for issuance of direction to respondent Nos.3 and 4 to release the salary of the petitioner for the years 2018, 2019 and 2020 along with the amount of gratuity with 12% interest and also refund the security amount of Rs.15,600/-, which was got deposited by the college at the time of appointment of the petitioner as lecturer, in view of the law laid down in **State of West Bengal vs. Sisir Kumar Paria**, 1997 (1) SCT 614.

2. It is not disputed by the petitioner that respondent No.3, against whom the aforesaid prayer has been made, is an affiliated college, which is governed by the Punjab Affiliated Colleges (Security of Service) Act, 1974 (for short 'the 1974 Act').

3. Section 7-A of the aforesaid Act provides for an Education Tribunal, headed by a former Judge of the High Court or an officer of the State Government not below the rank of a Commissioner of a Division. It is also not disputed at the Bar that the said Tribunal is functional, which can very well take up and adjudicate the issue involved in this petition.

4. In view of the alternative remedy available to the petitioner, this Court declines to interfere in this matter and disposes of this petition without entering into merits of the case, relegating the petitioner to avail the remedy before the Education Tribunal constituted under the 1974 Act, which if done within a period of 30 days, the claim shall be considered

and decided on its own merits without being dismissed on

limitation alone.

5. The writ petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SUDHIR SINGH)
JUDGE

09.01.2025
Ajay Prasher

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