



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CWP-11405-2025
Decided On: 03.09.2025

BALRAJ SINGH

....PETITIONER(s)

Versus

COMMISSIONER AND SECRETARY, HARYANA SCHOOL
SHIKSHA PARIYOJNA PARISHAD AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S. K. Malik, Advocate
for the petitioner.

Mr. Sanjeev Kaushik, Advocate with
Ms. Simran Sharma, Advocate, Ms. Manreet Kaur, Advocate
for the respondents/Parishad.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 01.04.2025, Annexure P-9, whereby the petitioner's representation against termination order dated 06.07.2023, Annexure P-6, has been rejected.

2. Learned counsel for the petitioner contends that the petitioner was initially engaged as Vocational Teacher at Government Senior Secondary School, Badanpur, Jind, through an outsourcing agency vide offer letter dated 17.11.2015, Annexure P-2, and continued working as such. Vide letter dated 18.01.2022, Annexure P-3, the third respondent/Joint State Project Director, Haryana School Shiksha Pariyojna Parishad Siksha Sadan, directed all the School Principals not to relieve Vocational Teachers, and accordingly the petitioner was allowed to continue in service. He was, however, implicated in

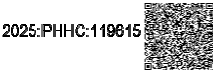


a criminal case, FIR no.238 dated 11.11.2022, under Sections 419, 420, 465, 468, 471, 201 and 120-B IPC and Section 66D of IT Act, registered at Police Station Kotwali, District Patiala, and was taken in custody. He could be released from custody only on 15.03.2023, pursuant to the order granting bail dated 14.03.2023. Thereafter, he submitted a representation to the School Principal dated 28.03.2023, Annexure P-5, seeking permission to rejoin duty. He was, however, not permitted to join duty vide letter dated 06.07.2023, on the ground of remaining absent from duty for more than five months without any intimation and permission from the competent authority, which amounted to misconduct on his part, and also for involvement in the criminal case. It is further contended that on account of having been implicated in a criminal case, the petitioner could not have joined duty. Soon after the release, he approached the Principal and sought permission to rejoin. Therefore, he should have been allowed to rejoin duty as it was on account of circumstances beyond his control that he remained absent from duty.

3. Learned counsel for the respondents/Parishad, however, contends that no intimation regarding the petitioner's arrest or his involvement in any criminal case was ever given to the School Principal or the Parishad. He willfully remained absent from duty with effect from 17.11.2022 to 27.03.2023, which is serious and grave misconduct on his part and the respondents had no option but to terminate his service.

4. Heard.

5. It could not be disputed by learned counsel for the petitioner that no intimation regarding his arrest was ever given to the School Principal or the Parishad. Accordingly, he willingly remained absent from 17.11.2022



until 28.03.2023, the day he chose to report for duty and approached the Principal seeking permission to rejoin service. It is also not disputed that the petitioner was released from custody on 15.03.2023, but he neither reported for duty nor offered any explanation for his absence for about twelve days thereafter. This conduct cannot be justified, and in case the authorities have decided not to condone his absence and treat it as misconduct, no exception can be taken to it.

6. In view thereof, there is no ground to entertain the present petition and it stands dismissed.

03.09.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No