



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

1378

CWP-17535-2011 (O & M)
Date of decision: 01.07.2025

Inder Nath Jha

....Petitioner

Versus

The Secretary, CBSE and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for directing the respondents to treat the petitioner as trained teacher and grant salary and other benefits as per the Centre Board of School Education Affiliation Bye Laws.

2. A perusal of para 1 of the preliminary objections of the written statement filed by the School-respondent No.2, reveals that the present petition was barred by the principles of *res-judicata*, besides the fact stated in para 3 thereof that the writ petition is not even maintainable, respondent being unaided one and run by Christian minority, to which there was no rebuttal by filing any replication. Para 1 reads thus:-

“That the present writ petition is totally mis-conceived and is based on concealment of material facts because in a different Forum the same petitioner earlier filed a civil suit for permanent and mandatory injunction wherein by way of mandatory injunction the similar/identical/effective relief was claimed as claimed in the present writ petition. The said civil suit was dismissed by the learned Civil Judge (Jr. Division), Bathinda vide the judgment and decree dated 23.04.2007, copy of which is appended as Annexure R2/1. Against that an appeal was preferred which was also dismissed by the learned District Judge, Bathinda. Petitioner also preferred RSA before this Hon'ble High Court, which was also dismissed. Thereafter the issue attained finality. Now the same issue has been raised again by virtue of filing the present writ petition and as such the writ petition which is barred under the principles of *Res-judicata* and



even otherwise once the writ petition is based on concealment of material facts, because the suit was dismissed on 23.04.2007 and the writ petition has been filed on 14.09.2011.”

3. Disposed of, reserving the petitioner with a liberty to get it revived, by demonstrating that the *lis* still survives.

(AMAN CHAUDHARY)
JUDGE

01.07.2025

Hemant

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