



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230

CWP-19648-2020
Decided On: 11.09.2025

SURENDER AND ANOTHER

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Kuldeep Sheoran, Advocate for
Mr. Jasbir Mor, Advocate
for the petitioners.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the orders dated 28.01.2020, Annexure P-3, whereby the petitioners, who were working as Computer Teacher/Instructor and Laboratory Attendant, have been relieved from service on account of theft in the computer laboratory and there being no workload due to non-functioning of laboratory.

2. Learned counsel for the petitioners has relied upon instructions dated 05.02.2020, Annexure P-21, issued by the District Education Officer, Rewari, to all Block Education Officers and Elementary Education Officers, that in case computers have been stolen from a laboratory, Computer Teachers and Lab Attendants should be considered for amalgamation/adjustment in other schools. These instructions have not been complied with, despite the posts being vacant in other schools as apparent from Annexures P-5 and P-6, dated 28.01.2020. It is further contended that as per his instructions even now



the posts of Computer Teacher/Instructor and Laboratory Attendant are vacant, where the petitioners can be adjusted.

3. Learned State counsel has received instructions from the second respondent/Director General, Secondary Education and contends that only a few posts of Computer Teacher and Laboratory Attendant are vacant in some schools in District Jind, but the petitioners cannot be adjusted against the same on account of their conduct. In this regard, he has referred to the following paragraphs of the written statement filed on behalf of the fourth respondent:

6. That although the respondent No.4 has mentioned nothing about the misbehavior, misconduct disobedience of the order of the Headmaster from the very beginning. However, their misdeed, misconduct, misbehavior and disobedience are on the record of the school. Sh. Mukesh Kumar passed the written order dated 15/02/2018 and sought the explanation from the petitioner to explain as why he has not come to the office when the message was sent through peon on 13/02/2018 and even on the asking of Headmaster. The petitioner tempered the order and made his name and date and signature of the Headmaster illegible with pen. The record can be produced before the court for kind perusal in case so ordered by the Hon'ble Court. Further the petitioners refused to note down the order Sr. No.552 dated 03/12/2019 passed by D.D.O. and then on 04/12/2019 tendered written apology. Further, dated 26/01/2020 both the petitioners marked Sh. Parveen, English Lecturer as on leave in the Attendance Register which is a gross misconduct and act of indiscipline. It is also submitted here that the petitioners did not perform the duty assigned to them of making arrangements and maintaining discipline on them of making arrangements and maintaining discipline on the occasion of Republic day. The School Management Committee had to their indiscipline and misbehavior. The petitioners again refused to note down the



resolution, when the peon went to them and asked them to note down. The copy of resolution No.17 against the petitioners for their indiscipline and misbehavior. The petitioners again refused to note down the resolution, when the peon went to them and asked them to note down. The copy of resolution no.17 passed by SMC after is annexed herewith as (Annexure R-4).

7. That on 03/12/2019 the answering respondent made a written complaint to Block Education Officer, Narwana against Sh. Sanjeev Kumar-Petitioner No.2 regarding disobedience to the order passed by Headmaster which were passed in compliance of the letter dated 03/12/2019 of Electoral Registration Officer / SDM. The concerned employee was ordered to go to duty as B.L.O. at Booth No. 191, Village Sacha Khera, Jind. However, the official left the school by marking the presence at 1.45 and asked the Headmaster to take any action against him. The copy of the letter dated 03/12/2019 is annexed herewith as (Annexure R-5).

8. That on 27/03/2018 Punjab National Bank Sacha Khera, Jind donated sports articles which includes Carom Board, Basketball, Discus throw, Badminton racket, 21 Shuttle cock box, two Volley ball (Samsung shooting), and one toss. These articles were never deposited with the school, even after repeated asked by the Headmaster. The copy of letter dated 27/03/2018 of giving of sports items to petitioner namely; Surrender is annexed herewith as (Annexure R-6).

9. That the Director Secondary Education Haryana, Panchkula vide its letter memo no. KW 13/8-2016 ICT dated 29/06/2018 on the subject re-engagement of computer faculty and lab attendant for computer education in the schools of Haryana has specifically ordered that "if the Principal/Head of the Institution, at any point of time finds that the work and conduct of the Computer Faculty/Lab Attendant is not satisfactory or he/she is found guilty of insubordination, willful absence from duty or any other misconduct, his/her services



would be dispensed with immediate effect." So, as stated above the petitioners cannot be adjusted in any of the school in view of their insubordination and misconduct. The copy of the letter dated 29/06/2018 is annexed herewith as (Annexure R-7).

4. The facts aforementioned have not been disputed by the petitioners by filing any counter-affidavit.
5. Considering the undisputed facts regarding the petitioners’ conduct, they cannot be held entitled to readjustment on the basis of instructions dated 05.02.2020. Merely because some posts of Computer Teacher and Laboratory Attendant are vacant, it would not give them a right to seek adjustment. Although the petitioners were removed on account of no workload in the laboratory after the equipments had been stolen, in case the Department took notice of their past conduct and found it not appropriate to consider them for readjustment, no exception can be taken to it.
6. In view thereof, there is no merit in the petition and it stands dismissed.

11.09.2025
Ad

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No