



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

CWP-31410-2024

Date of Decision : 11.02.2025

Nikhhar Thareja

...Petitioner

Versus

Education Tribunal, Kaithal and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rahul Gautam, Advocate, and
Mr. Aman Gautam, Advocate, for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* setting aside the judgment, dated 09.10.2024, passed by the District Judge exercising the powers of Educational Tribunal for the educational institutions at Kaithal, Annexure P-4.

2. Briefly, as per the averments the petitioner was engaged as Assistant Professor in Commerce at Radha Krishan Sanatan Dharam PG College, Kaithal/respondent no.3 on contract basis in 2014, and continued working with them with notional grade up to 30.06.2022. After being relieved, she approached the Educational Tribunal by filing an appeal seeking reinstatement in service along with all consequential benefits, including back wages, with interest.



3. The Management took a stand before the Tribunal that the petitioner had been appointed purely on contractual basis on consolidated salary. She never worked against any sanctioned post continuously; rather, there were considerable break in her service. Every time the engagement was on fresh terms to meet the teaching requirements.

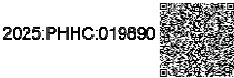
4. Learned counsel for the petitioner has not been able to point out any illegality or irregularity in the impugned judgment, nor has it been established that the petitioner was replaced with any other contractual employee by the College. He, however, submits that there was no justification in imposing special costs of ₹10,000 upon the petitioner for approaching the Tribunal. It was only due to *bona fide* lapse on her part that the relevant material/documents could not be produced during the appeal to establish her case. She should not be punished on this account by imposing special costs.

5. Heard.

6. The Tribunal has dismissed the petitioner's appeal with costs, and special costs of ₹10,000 payable to the College/respondent no.2 by observing as under:

11. ...Before parting with this judgment, it may be pointed out that the respondents have been compelled to face unnecessary litigation at the hands of the appellant/petitioner for which the College certainly deserves to be compensated.

7. The reasoning given by the Tribunal in imposing special costs for the College is that the respondents were compelled to face unnecessary litigation. However, the College was only one of the respondents before the Tribunal; once it was concluded that all the respondents were compelled to face unnecessary litigation, there was no justification for awarding special costs only



to one of the respondents, viz., College. Therefore, necessary justification to impose the special costs is not there.

8. In view thereof, finding no ground to interfere with the impugned judgment passed by the Tribunal, dated 09.10.2024, on merits, the petition stands disposed of by setting aside the direction whereby special costs of ₹10,000 have been imposed upon the appellant.

February 11, 2025
Ps/ Maninder

(TRIBHUVAN DAHIYA)
JUDGE

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