



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

CR-6957-2024

Reserved On: 09.09.2025

Date of Decision: .09.2025

M/s Echelon Institute of Technology

.....Petitioner

Vs.

Bhim Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sunil Chadha, Sr. Advocate with
Mr. Tara Dutt, Advocate
for the petitioner.

Mr. Lekhraj Nandal, Advocate
for respondent No.1.

SUDEEPTI SHARMA J. (Oral)

1. The present revision petition is filed challenging the order dated 13.07.2023 as well as order dated 18.11.2024 passed by learned Civil Judge (Jr. Division), Faridabad in Civil Suit No.1923 of 2019 titled as ***“Bhim Singh Vs. M/s Echelon Institute of Technology”***, whereby, the application for rejection of plaint under Order VII Rule 11 CPC filed by the petitioner was dismissed.

2. The brief facts of the case are that respondent/plaintiff-Bhim Singh filed civil suit seeking decree for the award of Rs.11,29,039/- alongwith interest @ 18% per annum till the actual payment of amount and to set aside letter of termination dated 11.08.2016 and to remove the stigma



on the plaintiff arising out of the said letter of termination.

3. The petitioner/defendant filed application under Order VII Rule 11 read with Section 151 of CPC seeking rejection of the plaint on the ground that civil court has no jurisdiction in the matter relating to educational institutions for which Educational Tribunal is set up in each district of the State of Haryana. The said application was dismissed on the ground that the plea taken by the petitioner in his application is mixed question of law and fact and cannot possibly be determined without adducing evidence by the parties.

4. Thereafter, petitioner filed another application under Section 9 read with Section 151 of CPC praying for dismissal of suit being not maintainable. The said application was also dismissed on the ground that earlier application filed by the petitioner under Order VII Rule 11 was dismissed. Hence, the present revision petition.

5. Learned counsel for the petitioner contends that impugned orders dated 13.07.2023 and 18.11.2024 are grossly illegal and as such are liable to be set aside only on the ground that in view of the judgment rendered by Hon'ble Supreme Court in the case of ***T.M.A. Pai Foundation & others Vs. State of Karnataka & others (2002) 8 SCC 481***, the civil suit filed by respondent/plaintiff is not maintainable since Educational Tribunal is only competent to decide the issues raised in the civil suit filed by the respondent. He relies upon judgment passed by Division Bench of this Court on 27.11.2013 in CR-4315-2012 titled as "***Management of S.D. Model Senior Secondary School & another vs. District Judge-cum-Service Tribunal and another***", whereby, Division Bench of this Court held that



except with regard to issue of payment of gratuity, which is payable under the payment of Gratuity Act, all service disputes are to be decided by the Educational Tribunal.

6. He further relies on the following judgments:-

- i) ***Ravinderjit Kaur Vs. Punjab School Education Board***
[2013(3) PLR 592]
- ii) ***Dharambir and others vs. State of Haryana and others***
[2021:PHHC:056062]
- iii) ***Suman Kajla vs. State of Haryana and others***
[2007(5) SLR 329]
- vi) ***Dr. Mukul Gupta Vs. Industrial Finance Corporation of India Limited and others***
[2015:PHHC:044673]

7. Per contra learned counsel for the respondent contends that the application filed by the petitioner is rightly dismissed.

8. I have heard learned counsel for the parties and perused the whole file with their able assistance.

9. A perusal of whole file shows that respondent filed suit for recovery and the pleadings of the suit shows that the respondent has challenged his termination order as well. And suit for recovery pertains to the amount of salary which was not paid to the respondent as per the pleadings in the civil suit.

10. As per notification dated 08.09.2005 which is in pursuance of judgment dated 30.10.2002 passed by Hon'ble Supreme Court in ***T.M.A. Pai Foundation & others Vs. State of Karnataka & others (2002) 8 SCC 481***, wherein, it is observed by Hon'ble Supreme Court that for the redressal of



grievances of employees of aided/unaided technical institutions who are subjected to punishment or termination of service a mechanism will have to be evolved by constituting appropriate tribunals. And in view of the same, Educational Tribunal was constituted in both the States. Therefore, the reasoning given by learned Civil Judge (Jr. Division), Faridabad for dismissing the application filed by the petitioner under Order VII Rule 11 CPC and Section 9 and 151 of CPC is not acceptable to this Court since, application under Order VII Rule 11 CPC is dismissed vide order dated 13.07.2023 on the ground that questions/issues raised by the petitioner-applicant/defendant in the application is mixed question of law and facts and cannot possibly be determined without adducing evidence by the parties.

11. The second application under Section 9 and 151 of CPC is dismissed vide order dated 18.11.2024 on the ground that the application filed by the petitioner under Order VII Rule 11 CPC was dismissed by observing that the question raised by the petitioner is mixed question of law and fact. This reasoning given by learned Civil Judge (Jr. Division), Faridabad in Civil Suit No.1923 of 2019 titled as ***“Bhim Singh Vs. M/s Echelon Institute of Technology”*** in dismissing the application is not acceptable to this Court, since, after the constitution of Educational Tribunals in each district in pursuance to directions given by Hon’ble Supreme Court in ***T.M.A. Pai Foundation & others Vs. State of Karnataka & others (2002) 8 SCC 481***, the Civil Court has no jurisdiction to decide the civil suit in the present case.



12. In view of the above, the present civil revision petition is **allowed**. Orders dated 13.07.2023 and order dated 18.11.2024 passed by learned Civil Judge (Jr. Division), Faridabad are **set aside**.

.09.2025
Sahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No