



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

259

CWP-33727-2024

Date of Decision: 16.01.2025

SUSHMA SUHAG

...Petitioner(s)

Versus

EDUCATION TRIBUNAL, ROHTAK AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Sardavinder Goyal, Advocate
for the petitioner.

Mr. Naveen Kumar, Advocate and
Mr. Armaan Goyal, Advocate
for respondents no.2 to 5.

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 04.12.2024, Annexure P-13, passed by the Educational Tribunal, Rohtak, whereby the petitioner's application for interim stay of termination during the pendency of the appeal has been rejected.

2. Learned counsel for the petitioner contends that the petitioner was appointed as Principal, Vaish Public School, Rohtak, run by the second respondent/Vaish Education Society, vide letter dated 29.08.2018, Annexure P-1, and was confirmed with effect from 30.08.2019, vide letter dated 20.11.2019, Annexure P-2. She filed a complaint against the third respondent/General Secretary of the Society regarding misbehaviour, dated 14.10.2023, Annexures P-4. On this count, she was suspended from the post of Principal vide letter dated 08.12.2023, Annexure P-7. The suspension, however, was revoked by the President of the Society vide letter dated



09.12.2023, Annexure P-8. Later, the President himself was removed on 28.10.2024, whereafter the petitioner's services were also terminated vide letter dated 23.11.2024, Annexure P-10; it was on the ground that she was a back door entry and had been appointed in violation of rules. The petitioner has filed an appeal against the termination before the Educational Tribunal which is pending adjudication. Her application for interim relief seeking direction to allow her to continue working as Principal during the pending appeal has been declined by the Tribunal vide the impugned order dated 04.12.2024. As per the learned counsel, the aforementioned facts clearly establish that the petitioner's services have been terminated in arbitrary and illegal manner, in violation of the Haryana School Education Rules, 2003, which are binding upon the Society and she is entitled to reinstatement in terms thereof. He has relied upon a Division Bench judgment in LPA-389-2018 tilted *M/s G. D. Goenka School v. Parveen Singh Shekhawat and others*, decided on 14.12.2022, to contend that there was no justification to reject her application for interim stay of termination as she was entitled to reinstatement in service in terms of the judgment.

3. Learned counsel for respondents no.2 to 5, on the contrary, contends that the petitioner is not entitled to seek stay of termination during pendency of the appeal. Allowing the application would amount to granting final relief to her which was impermissible in view of law laid down by the Supreme Court in *Kendriya Vidyalaya Sangathan v. Bhagwan Lal and others*, 2005(9) Scale 543.

4. Heard.

5. The petitioner has approached this Court against an interim order passed by the Tribunal declining her prayer to allow her to continue working



as School Principal during the pending appeal against termination of her service vide order dated 23.11.2024. The issue being adjudicated by the Tribunal is whether the termination is illegal and the petitioner is entitled to reinstatement in service, as claimed. The rights of the parties have not been decided as yet. Accepting her application for interim relief amounts to granting the final relief by way of an interim order which is uncalled for in the facts and circumstances of the case. A reference in this regard can be made to *Kendriya Vidyalaya Sangathan* case (*supra*), holding as under:

4. The respondent-Bhagwan Lal was removed from service on account of his unauthorised absence for 51 days. Thereafter, he moved the Central Administrative Tribunal for relief, but his application was rejected. He thereafter preferred a writ petition before the High Court. In the writ petition, an interim order has been passed on 06.02.2004 whereby the High Court has stayed the order of the Central Administrative Tribunal and directed that the respondent shall be allowed to continue in service till further orders of the court subject to his tendering an apology. We fail to understand how such an interim order could be passed, which in effect grants the relief which is the final relief that may be granted in the writ petitions, if the writ petition ultimately succeeds.
6. Further, the reliance placed by learned counsel for the petitioner on *G. D. Goenka School* case (*supra*) to seek reinstatement during the pending appeal is misplaced since the Court has declined reinstatement in service as final relief to the appellant therein, and instead enhanced the element of compensation payable by holding as under:

Keeping in view this background, we are of the considered opinion that the observations of the Apex Court in Kailash Singh's case (*supra*) would squarely cover the matter and instead of directing reinstatement, the compensation element as such

could be increased on account of the school having failed to follow the procedure prescribed under the Rules.

7. In view thereof, there is no merit in the petition and it stands dismissed.

8. The observations made hereinabove are only to decide the interim relief sought by the petitioner, and will have no bearing on the merits of the case pending for adjudication before the Tribunal.

(TRIBHUVAN DAHIYA)
JUDGE

16.01.2025
Ad

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