



116 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-35283-2025
Date of decision: 28.11.2025

SHRI BHAGWAN AND OTHERSPetitioners

Versus

STATE OF HARYANA AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE **TRIBHUVAN DAHIYA**

Present: Mr. Mahavir Singh Sharma, Advocate
for the petitioners.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA , J (Oral):

The petition has been filed seeking a writ of *mandamus* directing the respondents to grant the petitioners salaries and allowances at par with similarly situated government employees from the date of their initial appointment.

2. Learned State counsel contends that the petitioners are non-government employees and have been working in Kanya Bharti Senior Secondary School, Kath Mandi, Rohtak against unsanctioned posts. Other employees of the School who were working against sanctioned posts were taken over in Government service in terms of the Haryana Voluntary State Education Service Rules, 2017, notified on 09.08.2017. Accordingly, there is no employer-employees relationship between the petitioners and the Government, as apparent from the facts mentioned in the impugned speaking order dated 19.12.2023, which reads as under:

Whereas, the petitioners were working as sweeper, peon and chowkidar against unaided unsanctioned post in Bharti Kanya High School, Kath Mandi Rohtak which was a Privately Managed Government Aided School.



Employment of such employees is governed under rule 161 and 162 Chapter VII of Haryana School Education Rules 2003. These rules 161 and 162 provide that managing committee of aided school shall enter into a written contract with employees working on unaided posts and services of such employees shall be governed by the contract and other service conditions framed by the managing committee.

The petitioners were appointed by the management at their own level as part time employees against unsanctioned posts and there is no employees-employer relationship between the Government of Haryana and the petitioners.

3. Learned counsel for the petitioners is not in a position to dispute the facts mentioned above.
4. In view thereof, the petitioners do not have any grievance against the Government of Haryana. They are employees of a private educational institution, the aforementioned School, and have an alternative remedy for redressal of their grievance before the Education Tribunal.
5. Petition is accordingly disposed of with liberty to the petitioners to avail the alternative remedy, in accordance with law, if so advised.

(TRIBHUVAN DAHIYA)
JUDGE

28.11.2025
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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No