

2026:PHHC:051806



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-10033-2026

Date of decision: April 06, 2026

SAROJ KUMAR BHARDWAJ

...Petitioner

Versus

M/S DELHI PUBLIC SCHOOL, GURUGRAM

...Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sandeep Kotla, Advocate
for the petitioner.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *certiorari* setting aside the judgment dated 09.01.2026, Annexure P-6, passed by the Education Tribunal-cum-District Judge, Gurugram, whereby the petitioner's appeal against termination of his service as TGT (Music) vide order dated 25.01.2019, has been dismissed.

2. Learned counsel contended that the petitioner was initially appointed as Primary Teacher (PRT) Music on 14.09.2005, and was later promoted as Trained Graduate Teacher (TGT) Music. After more than thirteen years of service, he was terminated from service on the ground that there was lack of demand for the subject in the school. Long continuation of the petitioner in service established that he was a permanent employee and could not have been terminated without holding an inquiry. *Secondly*, it has been contended that after his termination the respondents engaged other Music Teachers in the school. This showed the termination was arbitrarily

done on baseless grounds. These aspects have not been considered by the Tribunal.

3. It is apparent on record that the petitioner's appointment in the school was regulated as per terms and conditions mentioned in the letter of appointment dated 10.03.2006, Annexure P-1. It is not disputed that, in terms therewith, the petitioner's services could be terminated after one month's notice or salary in lieu thereof. And that these terms were complied with before passing the order of termination. Also, it has not been shown that the order is punitive or stigmatic in nature. Accordingly, there is no basis to contend that the respondents were required to hold a regular inquiry before termination of his services, which was in terms of the contract of service. Further, the judgment rendered by this Court in CWP-33915-2019 titled *Karam Singh v. Managing Director, National Health Mission and others*, relied upon by the learned counsel, does not advance the petitioner's case in any manner, as it holds that a contractual employee cannot be terminated without conducting an inquiry in case it is on account of a misconduct. The Supreme Court judgment in *Anjana Mittal and others v. Oil and Natural Gas Corporation Limited*, (2020) 11 SCC 710, also does not advance the petitioner's case. In that case the employee had remained continuously absent from service which was the cause of termination. However, by treating the employee as temporary, her services were terminated without a regular inquiry, which was not approved of by the Court holding that termination could not be without following the process of law and conducting of inquiry. Any such situation does not arise in the instant case.

4. Additionally, it is not the petitioner’s case that the termination was for extraneous reasons. No such assertion was made in the appeal before the Tribunal. The only averment pointed out by the learned counsel in this regard is to the effect that “*After termination of petitioner, Juniors and fresh Teacher are joined by the management.*” Details of any such teacher who statedly joined the school have not been mentioned. It is also not the case that the averment has been substantiated by producing any document or other evidence on record. Therefore, there is no escape from concluding that the averment is vague, lacks necessary particulars and cannot form the basis of adjudication.

5. In view thereof, no ground is made out to interfere with the impugned judgment which is well reasoned and does not suffer from any error of law or fact.

6. Dismissed.

April 06, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)

JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No