

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21171-2019

Vinita and others ...Petitioners

Versus

Haryana School Shiksha Pariyojna Parishad (Regd. Society) and others
...Respondents

1.	The date when the judgment is reserved	January 21, 2026
2.	The date when the judgment is pronounced	February 5, 2026
3.	The date when the judgment is uploaded on the website	February 5, 2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R. K. Malik, Senior Advocate with
Mr. Anshul Labana, Advocate
for the petitioners.

Mr. Sandeep Chhabra, Advocate
for the respondents.

TRIBHUVAN DAHIYA, J.

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 17/23.07.2019, Annexure P-3, whereby the petitioners have been discontinued in service by the respondent/Haryana School Shiksha Pariyojna Parishad (hereinafter referred to as ‘Parishad’).

2. Brief facts of the case are, the Parishad is an agency to implement the programmes of the Government of India, namely, Sarva Shiksha Abhiyan (for short, ‘SSA’) and Rashtriya Madhyamik Shiksha Abhiyan (for short, ‘RMSA’). Of late, both these programmes have been subsumed in another programme, ‘Samagra Shiksha’. The Government of India and the State Government are providing funds for it in the ratio of 60:40.

2.1 In August, 2004, the Government of India launched a scheme-

Kasturba Gandhi Balika Vidayalya, for setting up residential schools at upper



primary level for the girls belonging to Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC) and Minorities, in difficult areas. Nine Kasturba Gandhi Balika Vidyalya (for short 'KGBVs') were sanctioned by the Government of India for the State of Haryana in 2005-06. These schools were given to different societies to be run and managed by them as per the following details:

- a. 6 KGBVs - Nuh, Nagina, Punhana, Ferozpur Zirka and Tauru and Hathin were given to Mewat Model School Society.
- b. KGBV- Kheri Saffa district Jind was given to an NGO namely Sir Chottu Ram Memorial Trust.
- c. KGBV - Phullia Khurd, District Jind was given to District Child Welfare Council, Jind.
- d. KGBV-Rajound, District Kaithal was given to District Child Welfare Council, Kaithal.

2.2 The scheme was initially being run independently but became a separate component of the SSA with effect from 01.04.2007, and was being run as per its norms issued from time to time. And a Memo of Understanding (MOU), dated 01.04.2007, was entered into amongst the Parishad, District Project Coordinator Office (DPC), Mewat, and the Mewat Model School Society, Nuh (for short, 'MMS Society') for running the aforementioned six KGBVs. In terms of the MOU, the MMS Society was responsible for appointment/engagement of its staff and teachers as per guidelines of the Government.

2.3 As per SSA norms dated 24.03.2014, Annexure R-2, the Government of India approved engagement of four full time teachers (one Head teacher and three subject teachers of English/Social Studies, Science/



teachers, one full time accountant and two supporting staff (Accountant/Assistant, Peon, Chowkidar).

2.4. The petitioners were engaged as Drawing Teachers and Physical Education Instructors (PTIs) on contract basis by the MMS Society after inviting applications through advertisement between 02.07.2007 to 02.07.2012. As MMS Society was not running the KGBVs in residential mode, the Government of India strongly objected to its functioning in 2014-15, and approved the recurring budget only for three of its residential KGBVs with the condition that the budget for other schools would be allowed only if they were to be run in residential mode. Since the Parishad was to take over the charge of KGBVs at Mewat, Palwal and Phullian Khurd, Jind, a Committee was constituted to screen the staff appointed in the KGBVs which made certain recommendations for retaining the staff also. Considering these and related facts, an agenda item no.7.11-‘Regarding taking over of KGBVs of Mewat, Palwal and Jind Districts’, Annexure R-7, was placed in the General Council meeting of SSA. It contained the following proposals:

After taking stock of the facts related to the 9 KGBVs explained above, the following proposals are made for consideration and approval of GC.

1. The formal takeover of the 9 KGBVs from MMSS and DCWC may be approved.
2. All the teaching and non-teaching staff of 9 KGBVs appointed earlier by different agencies & whose appointments have been considered as valid be treated as employees of HSSPP and they may be allowed salaries as per the KGBV, SSA/RMSA norms or as decided by the State Govt. from time to time.
3. A grace period of 3 years may be given to the unqualified teachers, as allowed by the Haryana Government; School Education Department Notification dated 12th September 2014,



No. GSR 40/Const./Art-309/2014, to fulfill the eligibility criteria of qualification. In case, they fail to fulfill the prescribed qualification within the stipulated time, their services will be terminated. During the intervening period their remuneration will remain freezed at the present level.

4. Six posts of PTI and 6 posts of Drawing Teachers may be sanctioned for KGBVs of Mewat & Palwal where the teachers have already been appointed. Additional financial implications will be contained within the existing provision under this component.
5. The support staff engaged in these KGBVs may be allowed minimum wages as per the outsourcing policy part-II approved by the State Govt.

As per minutes of the General Council, dated 19.12.2017, the aforesaid proposals, except proposal 4, were approved, which are as under:

The proposals mentioned at Sr. No. 1 to 3 and 5 were approved. However, the proposal at no. 4 regarding the creation of six posts of drawing and 6 posts of PTIs in the KGBVs of District Nuh and Palwal was not approved. In the meeting it was decided the employees who are appointed on the non-approved post be not taken while taking the staff working in these 8 KGBVs.

2.5 In the light of decision by the General Council, the Parishad took the charge of KGBVs and passed impugned order dated 17.07.2019, deciding to discontinue the petitioners' services with immediate effect. Their services were placed at the disposal of Chairman, MMS Society. The order reads as under:

The General Council (GC), SSA, HSSPP in its meeting held on 19.12.2017 decided to formally take over the KGBVs of Mewat, Palwal, Kaithal & Jind from Mewat Model School Society, Nuh & District Child Welfare Council, Jind & Kaithal and it was decided that employees who were engaged by these organisations on the non approved posts will not be taken under



HSSPP while taking over the teaching staff working in these KGBVs under HSSPP.

Mewat Model School Society & DCWC Jind & Kaithal had engaged the Physical Education Teachers & Drawing Teachers against the non-approved posts in the KGBVs of District Nuh, Palwal, Jind & Kaithal. Out of which following in position employees engaged against the non approved posts by these organisations are hereby placed at the disposal of Chairman, Mewat Model school Society, Nuh & DCWC, Jind with immediate effect as they cannot continue against the non-approved posts under KGBV scheme.

Thereafter, the petitioners approached this Court by filing the instant petition seeking continuation of their services in the Parishad.

3. In this factual background, learned senior counsel contended that the petitioners were appointed after advertisement and considering the claims of all eligible persons. They worked as Drawing Teachers and PTIs for seven to twelve years and their work and conduct was also satisfactory. Still, their services have not been taken over by the Parishad, as has been done with respect to other staff members of KGBVs. He also relied upon a letter dated 20.08.2019, Annexure P-6, by the Vice Chairman of MMS Society to the State Project Director of the Parishad mentioning that the posts against which the petitioners had been appointed were duly sanctioned as part time posts. Their recruitment was never objected to by the SSA. These schools were under control of the MMS Society up to October 2014 and were thereafter taken over by the SSA along with staff and infrastructure, as the MMS Society was unable to take care of the staff of these schools. Therefore, the decision to discontinue their services should be re-considered.



4. *Per contra*, learned counsel for the Parishad contended that the petitioners had been engaged by the MMS Society at its own level in violation of norms issued by the Government of India whereunder the Society was not authorised to engage Drawing Teachers and PTIs. They had been appointed on part time basis on monthly remuneration of ₹7,000 against non-approved posts. They were never in employment of the Parishad; to establish these facts, a copy of the appointment letter issued to one of the petitioners-Anita, dated 28.07.2010, has been appended as Annexure R-4. It was accordingly not found feasible to continue with their services. After disengagement by the Parishad, they were sent back to the MMS Society vide impugned order dated 17.07.2019, Annexure R-5. Another letter dated 29.07.2019, Annexure R-6, was also sent by the Parishad to Vice Chairman, MMS Society, informing that in terms of the General Council decision dated 19.12.2017, the petitioners' services have been placed at the disposal of the Society as their appointment was against non-approved posts. Accordingly, they have no right to seek engagement and/or continuation with the Parishad.

5. Submissions made by learned counsel for the parties have been considered.

6. As apparent on record, the petitioners were appointed as Drawing Teachers and PTIs by the MMS Society in KGBVs which were established under the Kasturba Gandhi Balika Vidyalaya scheme of the Government of India at upper primary level for girls belonging to SC, ST, OBC and minorities in difficult areas. The schools came under the Parishad in terms of MOU, dated 01.04.2007, entered into with the Society for running these schools. The petitioners were appointed on contractual basis on a consolidated salary by the Society, as apparent from the appointment letter issued to one of



the petitioners dated 28.07.2010. The initial appointment was for academic session 2010-11, upto 31.03.2011, but were allowed to continue working in the schools beyond that session. These facts are not in dispute, and also that the posts of Drawing Teachers and PTIs against which the petitioners had been appointed, were not approved as per norms of engagement issued by the Government of India. The norms, in fact, did not even have a provision for engagement of Drawing Teachers or PTIs. Considering various objections regarding functioning of the schools from the Government of India in 2014-15, the schools were finally taken over by the Parishad in terms of decision of the General Council, dated 19.12.2017. It was also decided to take over teaching and non-teaching staff of these schools who had been validly appointed against approved posts as per norms. Since the petitioners had been appointed by the MMS Society in derogation of the norms against the posts which were never approved by the Government, their services were placed at the disposal of the Society vide impugned order dated 17.07.2019, which cannot be taken exception to in the facts and circumstances enumerated hereinbefore. The decision cannot be termed discriminatory either, as it is not the petitioners' case that services of anyone appointed against non-approved posts have been taken over by the Society.

6.1 Reliance placed by learned senior counsel for the petitioner on a letter written by the Vice Chairman of MMS Society mentioning that the petitioners had been appointed against duly sanctioned posts and their appointment was never objected to by the SSA, is misplaced. The letter does not refer to any document which could even *prima facie* indicate that the posts against which petitioners were appointed, had been sanctioned or approved under the scheme. Also, the facts regarding the appointment being against

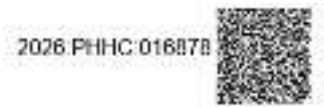


non-approved posts by the Society, have not been disputed on record. Further, the MOU between the Parishad, DPC and the Society provided that the Society would be responsible for management of the schools and recruitment of teachers, as mentioned in clause 5(e) thereof which reads as under:

5. The MMSS, Nuh shall be responsible for
a to d xxx xxx xxx
- e. The management of the school shall follow the operational details as per the norms of the State and recruit the teachers of the KGBV as per the policy of the State Government;

The responsibility of the Parishad under the MOU has been that of overall supervision and periodical review, as is apparent from the following clauses:

7. HPSPP shall be responsible for:
 - a. Overall supervision of the implementation of the scheme.
 - b. The release of funds to DPC.
 - c. Orientation to the third party block Resource Coordinators & DPC personnel.
 - d. Periodical review and monitoring.
 - e. Periodical visits & inspection.
 - f. Arranging reputed external agency/Government Institution which are working in related fields for evaluation.
 - g. Construction of hostel and classroom blocks as per norms.
 - h. Procurement of articles under non recurring expenditure.
8. Joint Responsibility:
 - a. All three parties should strictly adhere to the Activity Schedule planned and circulated all execute the programme successfully.
 - b. All three parties shall nominate a nodal officer to enable coordination.



Apparently, the Parishad had no role in the recruitment of teachers, and managing day to day affairs of the schools. Accordingly, the petitioners have no indefeasible right to claim that their services should be taken over by the Parishad.

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

(TRIBHUVAN DAHIYA)
JUDGE

05.02.2026
Mehak

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