

(1991) 03 P&H CK 0025
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 15684 of 1990

Dr. G.S. Ojha, Lecturer and Others

APPELLANT

Vs

Vice Chancellor, Guru Nanak Dev University and Others

RESPONDENT

Date of Decision : 11-03-1991

Acts Referred:

Constitution of India, 1950 — Article 12, 226, 227

Punjab Affiliated Colleges (Security of Service of Teachers) Act, 1974 — Section 3, 4, 5

Citation : (1991) 99 PLR 545

Hon'ble Judges : J.V. Gupta, C.J; R.S. Mongia, J

Bench : Division Bench

Advocate : H.S. Toor and J.S. Toor, for the Appellant; B.R. Mahajan and P.S. Patwalia and Anuj Raura, for the Respondent

Final Decision : Dismissed

Judgement

R.S. Mongia, J.—The petitioners are lecturers in Shree Laksnmi Naiayan Ayurvedic College, Amritsar. Their services have been terminated during the period of probation. The termination orders have been challenged by way of the present petition.

2. A preliminary objection has been taken on behalf of the College that it is an unaided privately managed educational institution and is not receiving any grant either from the Government or from the University. The College is not a "State" or "other authority" under Article 12 of the Constitution of India and consequently, no writ is maintainable against the college.

3. We find force in the preliminary objection. It is not disputed that the college is a privately managed educational institution and is not receiving any grant from the government or the University. It being not a state or "other authority" under Article 12 of the constitution of India no writ is maintainable against it.

4. Moreover, it is not disputed that the petitioners' services have been terminated during the period of probation. According to the learned counsel for

the petitioners the work and conduct of the petitioners was good and there case no reason to terminate the services during the period of probation. According to him, if was a mala fide action on the part of the respondent college. In other words the stand is that the order has been passed by way of punishment. If that be so, the petitioner can seek their remedy under Punjab Affiliated Colleges (Security of Service of Teachers) Act, 1974 (hereinafter called the Act) to show to the concerned authority that the order was by way of punishment and passed in violation of Sections 3, 4 and S of the Act.

5. For the foregoing reasons, the writ petition is dismissed in limine.