
(2013) 07 P&H CK 0846
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 8011 of 2011

Naveen Kumari Dhiman

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 26-07-2013

Acts Referred:

Citation : (2013) 07 P&H CK 0846

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Harminderjit Singh, for the Appellant; Sudeepti Sharma, D.A.G., Punjab and Mr. Anupam Singla, Advocate for SSA, for the Respondent

Final Decision : Disposed Off

Judgement

Tejinder Singh Dhindsa, J.—This order shall dispose of Civil Writ Petition Nos. 8011 of 2011 (Naveen Kumari Dhiman v. State of Punjab and others), 12695 of 2011 (Harpreet Kaur v. State of Punjab and others), 19556 of 2011 (Poonam Mehra and another v. State of Punjab and others), 19635 of 2011 (Rajwinder Singh v. State of Punjab and others), 20493 of 2011 (Navreet Kaur and another v. State of Punjab and others), 21749 of 2011 (Poonam Parashar v. State of Punjab and others) and 22033 of 2011 (Darshna Devi v. State of Punjab and others), as identical issue arises for consideration in this bunch of petitions. Learned counsel for the parties have been heard at length and pleadings on record have been perused.

2. The petitioners, who were appointed as Education Volunteers under the Sarv Shiksha Abhiyan, have filed the instant petitions impugning the action of the respondent-authorities in having dispensed with their services. Prayer for issuance of a writ of mandamus has been raised for issuance of directions to permit them to re-join in service even after the period of conclusion of their contract.

3. The submissions raised by learned counsel for the petitioners in the different

writ petitions can be summarized as follows:

- i) The services of the petitioners have been dispensed with without affording them an opportunity of hearing and as such, there has been a violation of the principles of natural justice;
- ii) In the case of some of the petitioners the order dispensing with their services refers to an alleged misconduct and since the final order has been passed without holding any enquiry, the order of termination is punitive as also stigmatic;
- iii) In some of the cases, representations/legal notices had been submitted and the same have been disposed of in terms of passing impugned orders, which are non-reasoned and suffer from a total non-application of mind.

4. Even though the submissions raised on behalf of the petitioners are not entirely without substance, yet this Court is of the considered view that no directions can be passed as regards their re-instatement as Education Volunteers.

5. Adverting to the written statement filed on behalf of the Director General, Secondary Education-cum-State Project Director, Sarv Shiksha Abhiyan Authority, Punjab in Civil Writ Petition No. 8011 of 2011, it has been stated that under the Sarv Shiksha Abhiyan Project, the Block Resource Persons are appointed as the key functionaries of the Project. Such Block Resource Persons are appointed from amongst the regular teachers working in the Schools. Their appointment created a shortage of teachers in the concerned Schools and, accordingly, guidelines have been issued from time to time for appointment of Education Volunteers/Shiksha Karmis in the concerned School in lieu of the appointment of regular teachers as Block Resource Persons.

6. Thus, it is apparent that the appointment of the petitioners was made on account of a regular teacher proceeding on deputation so as to ensure that the students in the concerned School do not suffer. The appointment of the Education Volunteers was purely as a stop-gap arrangement and as and when the deputation of such regular teacher appointed as Block Resource Person came to an end, the voluntary teacher so appointed was relieved. As per instructions dated 29.11.2004, it was the Village Education Development Committee (VEDC) which was constituted under the Project for appointment of Education Volunteers.

7. The respondents have now referred to Policy/guidelines dated 29.4.2011 and circulated on 18.7.2011 whereby the Sarv Shiksha Abhiyan Authority, Punjab has decided not to appoint any Education Volunteers w.e.f. 29.4.2011 on account of appointment of regular/contractual teachers in the Government Schools by the State Education Department, Rashtriya Madhyamik Shiksha Abhiyan and Sarv Shiksha Abhiyan Authority. Such instructions dated 18.7.2011 have been placed on record which are appended as Annexure R-2/2 with the written statement filed in Civil Writ Petition No. 8011 of 2011.

8. In the light of such fresh Policy/guidelines, a policy decision has been taken which is strictly within the domain of the Executive and no mandamus can be

issued for directing the respondents to re-engage the petitioners as Education Volunteers on stop-gap/contractual basis.

9. That apart, identical controversy stands dealt with by a Co-ordinate Bench of this Court in Civil Writ Petition No. 14643 of 2011 titled as "Davinder Pal Kaur v. State of Punjab and others" and other connected petitions whereby the writ petitions were disposed of on 28.2.2012 in the light of the following observations:

Having heard learned counsel for the parties and keeping in view the fact that the petitioners have gained sufficient experience as Education Volunteers, I deem it appropriate to dispose of these writ petitions with a directions to the respondents that as and when the respondents review and/or take a fresh policy decision in terms whereof they need to employ Education Volunteers and/or Teachers with different nomenclature but possessing same qualifications, in that event, the petitioners be given preferential treatment with due weightage to their experience.

10. As such, the present writ petitions are disposed of in terms of the directions issued by this Court in the case of Davinder Pal Kaur's case (supra). Writ Petitions disposed of.