

(2013) 08 P&H CK 0780
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 18699 of 2013 (O and M)

Ranjana Devi

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 27-08-2013

Acts Referred:

Citation : (2013) 08 P&H CK 0780

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : R.K. Girdhar, for the Appellant;

Final Decision : Disposed Off

Judgement

Tejinder Singh Dhindsa, J.—It has been pleaded that the petitioner was appointed as a Shiksha Karmi (Education Volunteer) under the Sarv Shiksha Abhiyan Authority, Punjab on 5.2.2009. On account of domestic circumstances the petitioner submitted her resignation on 3.11.2009. It has been pleaded that only two days thereafter the petitioner submitted a letter on 5.11.2009 withdrawing her resignation. The present writ petition has been filed praying for the issuance of a Writ of Mandamus for directing the respondents to permit the petitioner to join back duty as a Shiksha Karmi (Education Volunteer) as also for the grant of other consequential benefits with effect from the date of her initial joining i.e. 5.2.2009.

2. Learned counsel for the petitioner has been heard at length.

3. A bunch of petitions was disposed of in the light of order dated 26.7.2013 passed by this Court in the main writ petition i.e. CWP No. 8011 of 2011, wherein the claim of the petitioners was against the action of the respondent-authorities in having dispensed with their services as Education Volunteers under the Sarv Shiksha Abhiyan Authority. Prayer therein was also for directions to be issued for them to be permitted to re-join service.

4. This Court had taken a specific cognizance of the latest policy/guidelines dated 29.4.2011 and circulated on 18.7.2011, whereby the Sarv Shiksha Abhiyan Authority, Punjab had decided not to appoint any Education Volunteer w.e.f. 29.4.2011 on account of appointment of regular/contractual teachers in the govt. schools by the State Education Department, Rashtriya Madhyamik Shiksha Abhiyan and Sarv Shiksha Abhiyan Authority. In the light of such policy decision, a view had been taken that no Mandamus could be issued for directing the respondents to reengage the petitioners therein as Education Volunteers on stop gap/contractual basis.

5. Even a similar claim of a Shiksha Karmi (Education Volunteer) having already worked on such post and seeking directions to be permitted to re-join had been considered by a Coordinate Bench of this Court in CWP 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.

6. Accordingly, the instant writ petition is disposed of in terms of the directions issued by this Court in Davinder Pal Kaur's case (supra). Petition disposed of.