
(2014) 11 P&H CK 0014
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 127 of 2011

Satish Kumar

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 14-11-2014

Acts Referred:

Constitution of India, 1950 — Article 226 227

Citation : (2015) 178 PLR 198

Hon'ble Judges : Rameshwar Singh Malik, J

Bench : Single Bench

Advocate : Naveen Daryal, Advocate for the Appellant; Deityinder Khanna, Addl. A.C., Advocate for the Respondent;

Final Decision : Dismissed

Judgement

Rameshwar Singh Malik, J.

1. The present writ petition is directed against the order dated 13.1.2010 Annexure P-5 (wrongly stated in the prayer clause as Annexure P-4) and order dated 13.7.2010 Annexure P-11 (wrongly stated in the prayer clause as Annexure P-5) passed by the respondent authorities, whereby punishment of stoppage of one annual increment without cumulative effect was awarded to the petitioner. Notice of motion was issued and pursuant thereto, written statement was filed on behalf of the respondents.

2. Learned counsel for the petitioner submits that the impugned orders are patently illegal because true facts of the case have not been considered and appreciated in the right perspective, before passing the impugned orders. He further submits that result of the petitioner was fairly good. He was not responsible for over all result of the School Education Board. This fact has not been taken into consideration by the respondent authorities before passing the impugned orders, whereby serious prejudice has been caused to the petitioner. He further submits that petitioner filed his appeal (Annexure P-6), which has not

been properly considered by respondent No. 2 before passing the impugned order (Annexure P-11). He also places reliance on Annexure P-2 which shows 100% result of the petitioner for the year 2008-09. He prays for setting aside the impugned orders, by allowing the present writ petition.

3. Per contra, learned counsel for the State submits that result contained in Annexure P-2 would be of no relevance because that was not the relevant period. He further submits that the relevant period, as pointed out in the impugned order (Annexure P-11) was from 2002-03 to 2007-08 and during this period result of the petitioner for 8th and 10th class was in minus. He further submits that in spite of the poor result of the petitioner which remained in minus for such a long period, only a minor punishment was awarded to him for stopping one increment without cumulative effect. Learned counsel for the State, while referring to the appeal filed by the petitioner at Annexure P-6, contended that petitioner has not given any plausible explanation in this regard. Learned counsel for the petitioner tried to make out an entirely new case at this stage and that too beyond the pleadings of the present writ petition. He prays for dismissal of the writ petition.

4. Having heard the learned counsel for the parties at considerable length, after careful perusal of record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the case in hand, instant one has not been found to be a fit case, warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India. To say so, reasons are more than one, which are being recorded hereinafter.

5. It is a matter of record that a charge-sheet was issued to the petitioner to explain his position about his result in minus for 8th and 10th class during the relevant period, i.e. 2002-03 to 2007-08. Petitioner could not give any plausible explanation in this regard at any point of time. Accordingly, after a careful consideration of the matter, order dated 13.1.2010 (Annexure P-5) was passed by the competent authority, whereby minor punishment was awarded to the petitioner, stopping his one annual increment without cumulative effect. Feeling aggrieved, petitioner filed his appeal vide Annexure P-6. Hardly any justified ground was taken in the appeal on behalf of the petitioner. This was the most appropriate time with the petitioner to explain his conduct showing his better results, if any, as sought to be argued by the learned counsel for the petitioner, at this stage.

6. However, petitioner failed to point out anything in this regard in his appeal (Annexure P-6). In spite of above, respondent No. 2 granted an opportunity of being heard to the petitioner, before passing the impugned appellate order dated 13.7.2010 (Annexure P-11). During the course of personal hearing before respondent No. 2, petitioner could not show any relevant document to substantiate his plea which is now sought to be raised before this Court. Accordingly, respondent No. 2 passed the impugned order dated 13.7.2010

(Annexure P-11), which deserves to be upheld, in the peculiar fact situation of the present case.

7. A bare perusal of the original document placed before this Court by the learned counsel for the State during the course of hearing, would show that result of the petitioner was always in minus during the relevant period. Interestingly, in the writ petition, petitioner has tried to shift the burden on the students, contending that it was the students who were to attempt papers during examination and not the teacher. Petitioner has further tried to preach that there should not be unnecessary pressure on the teacher for showing good result. Such kind of averments were not at all expected from a litigant like the petitioner, who is doing a noble job of teacher. Petitioner cannot absolve himself from his responsibility as a teacher. Having said that, this Court feels no hesitation to conclude that respondent authorities committed no error of law, while passing the impugned orders and the same deserve to be upheld, for this reason also.

8. During the course of hearing, learned counsel for the petitioner could not point out any jurisdictional error or patent illegality apparent on the record of the case, in either of the impugned orders. He also failed to put into service any substantive argument, so as to convince this Court to take a different view than the one taken by the respondent authorities. Further, this Court is not sitting in appeal over the punishment orders which have been found to be validly passed in the given fact situation of the present case and the same deserve to be upheld, for this reason as well.

9. No other argument was raised.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present writ petition is misconceived, bereft of merit and without any substance. Thus, it must fail. No case for interference has been made out. Resultantly, the instant writ petition stands dismissed, however, with no order as to costs.