
(2005) 07 RAJ CK 0066

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2199 of 2005

Secretary, Managing Committee Shri Mathura Prasad Gulab
Devi Arya Girls Senior Secondary School (The) and Another

APPELLANT

Vs

Amita Sharma and Others

RESPONDENT

Date of Decision : 22-07-2005

Acts Referred:

Constitution of India, 1950 — Article 227

Rajasthan Non-Government Educational Institutions Act, 1989 — Section 21

Citation : (2006) 1 RLW 45 : (2005) 4 WLC 366

Hon'ble Judges : Shiv Kumar Sharma, J

Bench : Single Bench

Advocate : S.N. Kumawat, for the Appellant; Mahendra Shah, for the Respondent

Final Decision : Dismissed

Judgement

Shiv Kumar Sharma, J.—All the respondents have been served. The matter is taken up for final disposal with the consent of learned Counsel for parties.

2. The petitioners seek to quash the judgment dated February 23, 2005 of Rajasthan Non Government Educational Institutions Tribunal Jaipur (for short "Tribunal") whereby the application of respondent No. 1 (for short "employee") u/s 21 of Rajasthan Non Government Educational Institutions Act, 1989 (for short "1989 Act") was allowed and the termination order that was orally passed on June 9, 2004 against the employee was set aside and she was directed to be reinstated back in service with all consequential benefits.

3. Mr. S.N. Kumawat, learned Counsel appearing on behalf of the petitioners vehemently criticised the impugned judgment from various angles. The contention of learned Counsel is that the impugned judgment is based on surmises and conjectures and the Tribunal has presumed certain things which were not on record. I was taken through various paras of the impugned judgment. Learned Counsel urged that the Trust and the Institution were two different entities and since the employee was not the employee of the

petitioners, no order could be passed against the petitioners. Learned Counsel further contended that since the pleadings of the petitioners were not properly incorporated in the impugned judgment, it appears that learned Tribunal made up its mind to decide the matter against the petitioners.

4. Per contra, Mr. Mahendra Shah, learned Counsel appearing for the employee took me to para 20 of the impugned judgment and invited my attention to various documents which were discussed in the said para. Learned Counsel contended that the documents were issued by the petitioners and the Tribunal on the basis of those documents, rightly held that the employee was serving the petitioners and none else.

5. Having given my anxious consideration to the submissions advanced before me and on a careful scrutiny of the material on record, I find no merit in the submissions of learned Counsel for the petitioners. There was enough material before the learned Tribunal to suggest that the employee was working as Lower Division Clerk in Shri Mathura Prasad Gulab Devi Arya Girls Senior Secondary School Kesarganj Ajmer. The learned Tribunal in my considered opinion has proceeded within its parameters and there is no perversity in the impugned judgment.

6. In *Sadhana Lodh Vs. National Insurance Company Ltd. and Another*, Three Judge Bench of Hon'ble Supreme Court in para 7 indicated thus:-

The supervisory jurisdiction conferred on the High Courts under Article 227 of the Constitution is confined only to see whether an inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of the record, much less of an error of law. In exercising the supervisory power under Article 227 of the Constitution, the High Court does not act as an appellate court or the tribunal. It is also not permissible to a High Court on a petition filed under Article 227 of the Constitution to review or reweigh the evidence upon which the inferior court or tribunal purports to have passed the order or to correct errors of law in the decisions.

7. For these reasons the writ petition being devoid of merit stands dismissed. The interim order passed on March 31, 2005 shall stand vacated. There shall be no order as to costs.