
(2010) 06 SHI CK 0115
In the High Court Of Himachal Pradesh

Sushma Thakur

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 18-06-2010

Acts Referred:

Citation : (2010) 06 SHI CK 0115

Hon'ble Judges : Kurian Joseph, C.J.;Rajiv Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—C.M.P. No. 4909 of 2010.

Allowed. The application is disposed of.

C.W.P. No. 3287 of 2010.

Writ petition has been filed with the following prayers:

a) That the action of the respondents of terminating the services of the petitioner w.e.f. 28.6.2009 may be quashed and set aside;

b) That the respondents may be directed to reinstate the petitioner at the post of Lecturer (Pol. Science) at Govt. Sr. Sec. School, Kunsal, Tehsil Baijnath, District Kangra (HP) with all consequential benefits like arrears of salary etc.

2. In view of the recent instruction issued by the Director, Higher Education, Himachal Pradesh vide communication dated 24th September, 2009, the case requires fresh consideration in the light of the said communication. The relevant portion of the communication of the Director, Higher Education, Himachal Pradesh reads as follows:

Refer to letter No. EDN-Kha(7)3706-1 dated 3.9.2009 from the Principal Secretary (Education) to the Government of Himachal Pradesh addressed to this directorate and copy endorsed to you and others vide which the government has asked to move an application immediate before the chairman of the concerned enquiry committee in view of the decision of CWP No. 525/2009 titled as

Ravinder Singh v. State and CWP No. 2632/2009 titled as Koyal Kumar v. State wherein the Hon''ble High Court of Himachal Pradesh while setting aside the orders of the committee has directed that Committee after giving adequate opportunity of hearing to the petitioner as well as the other respondents can look into the matter and decide whether the appointment of the petitioner was valid or not. The committee while deciding the issue will keep into consideration of observation of the Hon''ble High Court made in CWPs. The copy of the judgment/orders passed by the Hon''ble High Court in CWP No. 2632/2009 titled as Koyal Kumar v. State is also being sent to all the Deputy Directors.

Therefore, you are directed to comply with the directions of the Government and take action in the matter accordingly.

3. In view of the above clarification issued by the Director of Higher Education, Himachal Pradesh, the impugned order is liable to be set aside. Ordered accordingly. However, we make it clear that it will be open to the Enquiry Committee to consider the matter afresh in the light of the instruction referred to above. The needful, if required, shall be done expeditiously from the date of the production of a copy of this judgment by either side. It is also made clear that in the cases of those teachers, who are working in the schools, in case they have not been paid their due wages, the same shall be paid and the State shall ensure that the required grant-in-aid is given to the Schools, as per the Rules forthwith. In case the vacancy still exists, we make it clear that it will be open to the respondents to re-engage the petitioner, subject to the outcome of the inquiry and in case, the petitioner is thus re-engaged, she shall be paid the eligible benefits during the period of service.

4. The writ petition is disposed of, so also the pending application(s), if any.

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