

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 17253 of 2010

DATE OF DECISION : MARCH 20, 2012

PARDEEP KUMAR & ORS.

..... PETITIONERS

VERSUS

STATE OF HARYANA & ANR.

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI, CHIEF JUSTICE  
HON'BLE MR. JUSTICE MAHESH GROVER

PRESENT: Ms. Anu Chatrath Kapoor, Advocate, for the  
petitioners.  
Mr. Narender Hooda, Senior Additional Advocate  
General, Haryana.

RANJAN GOGOI, C.J. (Oral)

This writ petition has been filed as a Public Interest Litigation by the parents and guardians of children between the age group of 6 to 14 years studying in Government Primary Schools, Government Middle Schools as well as Government High Schools. The directions that have been sought are for filling up the vacant posts of Teachers, under whatever nomenclature they may be called, in the concerned schools. According to the petitioners a large number of such posts are lying vacant which are jeopardising the education that is being imparted. Hence the writ petition.

In CWP Nos.7121 and 19329, both of 2010, disposed

of today directions have been issued with regard to the appointment of requisite number of JBT Teachers and Headmasters of Government Middle Schools as per the requirement worked out by the State. In the affidavit filed in connection with the JBT Teachers in CWP 7121 of 2010, the Financial Commissioner and Principal Secretary to Government of Haryana, School Education Department has stated that in addition to 9870 posts of JBT Teachers that are being filled up, requisition has been sent to the Haryana School Teachers Selection Board for filling up 14216 number of Lecturers. The above statement made in the affidavit of the Principal Secretary would go to show that the State is not only committed to fill up the requisite number of posts of JBT Teachers and Headmasters of Government Middle Schools but also 14216 number of Lecturers who will be working in the various Government High Schools of the State. If this is the stand taken by the State before this Court, we do not see as to how any other order except one directing the State to take further action in the matter as expeditiously as possible will be justified.

Learned counsel for the petitioners has submitted that the process of filling up the vacant posts will take considerable time and there is some apprehension with regard to what is going to happen during the interregnum. Such apprehension has been expressed mainly on account of the fact that Guest Teachers who were engaged as a stop gap measure are not to continue after 31.3.2012 in terms of orders passed by this Court in some other proceedings. This is an aspect which

we do not consider appropriate to be considered in the present writ petition as the said issue would not only be collateral to present writ petition but any observation of the Court in this regard may be construed to be an expression of its opinion with regard to continuance of the Guest Teachers, which we must refrain from. It is for the State to work out how to tide over the interregnum.

The present Public Interest Litigation, accordingly, stands disposed of in terms of the aforesaid observations and directions.

( RANJAN GOGOI )  
CHIEF JUSTICE

March 20, 2012  
Kang

( MAHESH GROVER )  
JUDGE