

(2013) 08 P&H CK 0604

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 16674 of 2013

Shaminder Kaur

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Aug. 31, 2013

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: Ajay Pal Singh, for the Appellant;

Final Decision: Dismissed

Judgement

Tejinder Singh Dhindsa. J.

The challenge in the present writ petition is to the order dated 06.05.2013 (Annexure P-3) passed by the Secretary cum Director General, School Education, Punjab, whereby the service of the petitioner who has been serving as a Science Mistress under the Sarv Shiksha Abhiyan Authority have been terminated. A perusal of the impugned order would reveal that the petitioner has absented from duty since 04.07.2011 continuously and such fact forms the basis of passing of the impugned order.

2. Learned counsel for the petitioner does not dispute the factual position as regards the petitioner having been remained absent since 04.07.2011 but would submit that such absence was on account of bonafide reasons and compelling circumstances inasmuch as the petitioner had to look after her mother in law who was suffering from a terminal disease.

3. Having heard counsel for the petitioner and having perused the pleadings on record, I am of the considered view that the instant writ petition deserves dismissal.

4. Prior to passing of the impugned order, the petitioner had been served with a show cause notice so as to explain her continuous absence from duty over such a prolonged period. A response dated 15.04.2013 was submitted by the petitioner and the same has been appended as Annexure P-2. In such response, the same

reasoning has been adopted as regards the mother in law of the petitioner being afflicted by cancer and the petitioner being required to look after her. However, there is an apparent contradiction in the stand taken in the reply dated 15.04.2013 at Annexure P-2. In the opening part, the petitioner has categorically submitted that in the year 2011, her mother in law was affected by the deadly disease of cancer. However, in the later part of the reply, she has shifted her stand by stating that the mother in law had to be taken to various hospitals like PGI, Chandigarh, DMC, Ludhiana and Fortis Mohali and as such, it was only at a belated stage that the disease was detected.

5. On 02.08.2013, this Court had directed the petitioner to place on record the relevant documents to demonstrate as to on what date the illness of her mother in law was detected and thereafter, on which date she has died. Such information was elicited in pursuance to a statement having been suffered during the course of arguments that the mother in law of the petitioner had even died of cancer.

6. The documents sought for by this Court have not been forthcoming. The pleadings on record are totally lacking insofar as the illness of the mother in law of the petitioner is concerned. No confidence is inspired as regards the stand taken. The petitioner is a teacher and has absented for a considerable length of time i.e. from 04.07.2011. It goes without saying that the students are bound to suffer by such conduct by a teacher.

7. I find no infirmity in the passing of the impugned order dated 06.05.2013, wherein a view has been taken that the petitioner has virtually abandoned service. No interference is called for. The civil writ petition is dismissed.