

LPA-1476-2023 and LPA-98-2024 (O&M)

2024:PHHC:004286

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision:12.01.2024

(1) LPA-1476-2023 (O&M)

Reena Panta ...Appellant

Vs.

Union of India and others ...Respondents

(2) LPA-98-2024 (O&M)

Inderjeet Kaur ...Appellant

Vs.

Army Public School and others ...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Onkar Singh, Advocate,
for the appellant (in LPA-1476-2023).

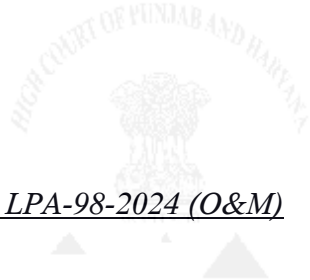
Mr. Vikas Chatrath, Advocate,
Mr. Abhishek Singla, Advocate,
Mr. Sahil Kumar, Advocate,
Mr. BPS Thakur, Advocate and
Mr. Rajbir Singh, Advocate,
for the appellant (in LPA-98-2024).

Ms. Anita Balyan, Advocate,
for the respondent-Union of India.

Mr. A.D.S. Jatana, Advocate,
for respondent No.3.

RITU BAHRI, ACTING CHIEF JUSTICE

1. This judgment shall dispose of two appeals i.e. LPA-1476-2023 and LPA-98-2024 together as common questions of law and facts are involved in both the appeals.



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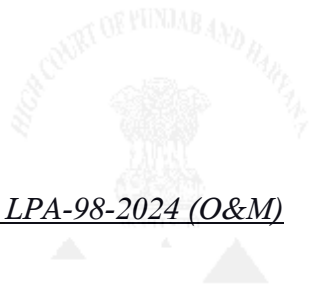
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2. Both the appeals have been filed against the impugned judgments dated 11.09.2023 and 19.12.2023 passed by the learned Single Judge of this Court, whereby writ petitions (CWP No.6115 of 2019 and CWP No.22031 of 2018) filed by the petitioners-appellants separately have been dismissed on the ground of maintainability.

3. The appellants-petitioners, who were working in the Army Public Schools, through the aforesaid writ petitions, are/were seeking quashing the orders whereby their services have been dispensed with/terminated.

4. Learned Single Bench of this Court has dismissed the writ petition (CWP-6115-2019) by relying upon the judgments passed by Hon'ble the Supreme Court in *Executive Committee of Vaish Degree College, Shamli and others Vs. Lakshmi Narain and others*, (1976) 2 SCC 58 and the Division Bench of Jammu and Kashmir High Court in *Asha Khosa Vs. Chairman Army Public School*, W.P.(Service) No.1415 of 1996 (decided on 17.02.1997). While dismissing the petition, it was observed in para no.8 of the judgment, as under:-

“In the present case, concededly the respondent society has been created under Society Registration Act. The respondent body is neither directly nor indirectly controlled by Government. The society is free to make rules with respect to appointment, tenure and termination of its employees. The society is not bound to adopt rules and regulations made by State Government or Central Government with respect to its employees. The respondent-Society is not funded by State. The respondent-Society is imparting education which is a public function, thus, it is amenable to writ jurisdiction of this Court. The



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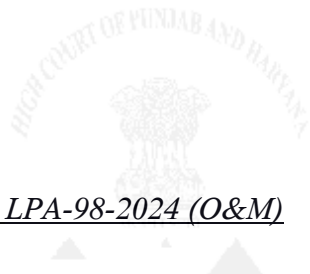
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petitioner was appointed on the basis of a contract executed between the parties. The petitioner is seeking setting aside of her termination apart from the post of Principal.”

5. At this stage, learned counsel for the appellants have referred to the recent judgment passed by the Madras High Court in **Mrs. Revathi Vs. Central Board of Secondary Education and others**, Writ Petition No.1422 of 2022 (decided on 18.07.2023), wherein while referring to a judgment passed by the Division Bench Judgment of the Delhi High Court in **Army Welfare Education Society vs. Manju Nautiyal & Anr.**, LPA No.223 of 2015, it has been held that a writ petition is maintainable against the schools run by the Army Welfare Education Society. Against the said judgment, the Army Welfare Education Society approached Hon’ble the Supreme Court by filing SLP No.3609 of 2016. However, the same has been dismissed vide judgment dated 12.02.2016.

6. Further reference has been made to the order dated 26.09.2023 passed by Hon’ble the Supreme Court in **Urmila Chauhan Vs. The Chairman Army Public School and others**, Special Leave to Appeal (C) No.7994/2022, whereby respondents were directed to consider the case of the petitioner for regularization.

7. Learned counsel for the appellants have further relied upon the judgment passed by the Rajasthan High Court in **Smt. Geeta Sharma Vs. Union of India and others**, 2001 (2) Rajasthan LR 349, wherein also it was held that the Army Public School was amenable to the extraordinary writ jurisdiction.



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8. Learned counsel for the respondent(s) has not been able to cite any law/judgment contrary to the judgments, as referred by the learned counsel for the appellants.

9. Keeping in view the judgments passed in *Urmila Chauhan*; *Mrs. Revathi*; and *Smt. Geeta Sharma's* cases (supra), it is held that the Army Public Schools are amenable to writ jurisdiction. The Army Public Schools are directly and substantially part of the Indian Army. Therefore, they are authority within the meaning of Article 12 of the Constitution of India. Hence, the Army Public School is amenable to the writ jurisdiction. Moreover, this issue has already attained finality up to Hon'ble the Supreme Court.

10. In view of the above discussion, impugned judgments dated 11.09.2023 and 19.12.2023 are set aside. Consequently, the matter is remanded to the learned Single Judge to decide the same afresh on merits in accordance with law without going in to the issue of maintainability.

11. Disposed of accordingly. Since the main appeal has been decided, all the pending misc. applications stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

January 12,2024

geeta/ajp

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No