



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-1035-2004 (O&M)

Date of Reserve:- 14.10.2025

Date of Pronouncement:-31.10.2025

Kamlesh

.....Appellant

vs.

State of Haryana. & ors.

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. D.S. Patwalia, Sr. Advocate assisted by
Mr. Ayush Gupta, Advocate
for the appellant.

Mr. Harish Nain, AAG, Haryana.

SUDEEPTI SHARMA J.

1. The present regular second appeal is preferred against judgment and decree dated 27.02.2004 passed by learned Addl. District Judge, Hisar vide which judgment and decree dated 28.02.2003 passed by learned Civil Judge (Sr. Divn.), Hisar was reversed and the suit of the appellant was dismissed.

FACTS NOT IN DISPUTE

2. Brief facts of the case as per civil suit are that District Education Officer, Hisar advertised the post of Art and Craft Teacher/ Drawing Teacher in Dainik Tribune dated 14.11.1999. The requisite qualification prescribed for the drawing teacher was as under:-

(i) *Matriculation from Haryana Board of School Education;*

Or

(ii) *An equivalent qualification recognised by Board of School Education, Haryana.*



- 2 *Two years Diploma in Art and Crafts by Haryana Industrial Training Institute;*
 OR
 Equivalent qualification (Diploma) recognised by the Haryana Education Department.

3. The appellant applied for the same since she had valid certificate and Diploma in Fine Arts from Paracheen Kala Kendra, Chandigarh dated 30.11.1999, which was recognised qualification as per letter dated 18.11.1999 issued by Director Secondary Education Haryana, Chandigarh. The appellant was found successful and was shown at Sr.No.in 2 the Merit List. Therefore, she was given appointment letter dated 18.10.2000 and she submitted her Joining report on 23.10.2000, which was accepted by the Headmistress. Thereafter, the appellant received show cause notice dated 9.11.2000 for the cancellation of her appointment, on the ground that it was found during checking that the certificate issued by Pracheen Kala Kendra is not recognised by the Haryana Govt. She filed civil suit on 18.11.2000 challenging the show cause notice and for declaration to the effect that appointment of the appellant was valid. The civil suit filed by her, was decreed in her favour, vide judgment and decree dated 28.02.2003 passed by learned Civil Judge (Sr. Divn.), Hisar. Thereafter, the respondents filed appeal against judgment and decree dated 28.02.2003 passed by learned Civil Judge (Sr. Divn.), Hisar, which was allowed vide judgment and decree dated 27.02.2004 passed by learned Addl. District Judge, Hisar. Hence the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE APPELLANT

4. Learned counsel for the appellant contends that the appellant superannuated on 31.12.2023 and has received the pensionary benefits and is drawing pension as on date. On merits, he contends that it is not the case of the



respondents that the appellant misrepresented and certificate of diploma was wrong and invalid still only on the ground that recognition of Paracheen Kala Kendra, Chandigarh was withdrawn subsequent in time, show cause notice was issued to the appellant for termination of her services. He further contends that at the relevant time of appointment, the certificate issued to the appellant by Paracheen Kala Kendra, Chandigarh was duly recognized and on the basis of the said certificate, the appointment letter dated 18.10.2000 was issued to the appellant. He, therefore, prays that the present appeal be allowed.

5. Per contra, learned counsel for the respondents contends that show cause notice was rightly issued to the appellant, since recognition of diploma from Paracheen Kala Kendra, Chandigarh was withdrawn on 28.06.2000. He further contends that the appeal filed by the respondents has rightly been allowed. He, therefore, prays that the present appeal be dismissed

6. I have heard learned counsel for the appellant and perused the whole record of this case with their able assistance.

7. A perusal of the file shows that vide order dated 19.03.2004 passed by this Court, the operation of impugned judgment and decree of the First Appellate Court was stayed. Thereafter, vide order dated 03.02.2006, this Court ordered that the services of the appellant be not terminated. The following substantial questions of law are framed for determination by this Court in para No. 17 of grounds of appeal of the appellant:-

(a) Whether the findings of the learned Additional District Judge that the qualifications of the appellant were recognised by the Haryana State are against the facts and documents on record and, therefore, liable to be set aside?



- b) Whether an order which de-recognised the qualifications of the appellant- plaintiff after the appointment of the appellant can operate retrospectively to be determined of the appellant?*
- c) Whether in view of the findings recorded by the learned Additional District Judge in para No.17 of the Judgment the proceedings before the departmental authorities have been rendered meaningless?”*

8. Since vide order dated 19.03.2004, the operation of impugned judgment and decree of the First Appellate Court was stayed and vide order dated 03.02.2006, the services of the appellant were ordered not to be terminated, therefore, the appellant continued working and superannuated on 31.12.2003. Further as per learned counsel for the parties, all the retiral benefits are already been released to the appellant and as on date, she is drawing the pension.

9. In view of the above, this Court does not feel it appropriate to decide the substantial question of law. Since the show cause notice for terminating the service of the appellant was challenged by her and due to the stay granted by this Court, she continued working and superannuated on 31.12.2013, therefore, the question involved in the present regular second appeal has become academic. Hon'ble the Supreme Court in a case of ***Punjab National Bank vs. Kunj Behari Misra, 1998 (3) SCT 833*** in para No. 18 of the judgment held as under:-

“18. Both the respondents superannuated on 31st December, 1983. During the pendency of these appeals Misra died on 6th January, 1995 and his legal representatives were brought on record. More than 14 years have elapsed since the delinquent officers had superannuated. It will, therefore, not be in the interest of justice that at this stage the cases should be remanded to the



disciplinary authority for the start of another innings. We, therefore, do not issue any such directions and while dismissing these appeals we affirm the decisions of the High Court which had set aside the orders imposing penalty and had directed the appellants to release the retirement benefits to the respondents. There will, however, be no order as to costs.”

10. Accordingly, the present appeal is rendered infructuous and is disposed of as such. However, the question of law is left open.
11. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

31.10.2025
Gaurav Arora

Whether speaking/reasoned : Yes

Whether reportable : Yes