



LPA-328-2021(O&amp;M)

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

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**LPA-328-2021(O&M)  
Date of Decision: 26.08.2025**

Simran Kaur

..... Appellant

VERSUS

Union of India &amp; ors.

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. R.K. Arora, Advocate and  
Mr. Jugam Arora, Advocate  
for the appellant.

Ms. Sonia Sharma, Senior Panel Counsel  
for respondent No.1

Mr. Raman B Garg, Advocate and  
Mr. Mayank Garg, Advocate  
for respondent No.2.

**ASHWANI KUMAR MISHRA, J. (ORAL)**

1. This statutory appeal arises out of the judgment dated 28.02.2021 passed by learned Single Bench, whereby the writ petition filed by the appellant/petitioner, for restraining the respondents from replacing her, who is working on contract basis, with new contractual employee, has been dismissed on the ground that writ petition itself was not maintainable.

2. The employer is a society Registered under the provisions of Society Registration Act, 1860 by the name of Army Welfare Education Society (Respondent No.2). Learned Single Bench has dismissed the petition being not maintainable with the following observation: -



*"The petitioner is stated to have been employed by the Army Public School. The Army Public School, run by the Army Welfare Education Society in which the Central or the State Governments or any local body has no role to play. The respondent-school is an unaided school. It has been pointed out that government does not have any pervasive control over the Society of the School. Its finances are also being managed by the Society and the school is dependent on the fee collected from the students. It has further been pointed out that the petitioner was working as Primary Teacher on a fixed term basis, which came to an end on 31.03.2020.*

*Keeping in view the aforesaid facts, the writ petition is not maintainable and hence, the same is dismissed. However, the petitioner shall be at liberty to avail the alternative remedy."*

3. That aggrieved by the dismissal of the writ petition, the appellant has approached this Court by filing the present Letters Patent Appeal, and, vide order dated 9.4.2024 the instant appeal alongwith other connected matters, had been referred to a Larger Bench. On 11.7.2025, the Larger Bench while relying upon the judgment dated 21.05.2025 passed in *Civil Appeal No. 10889 of 2013 titled as "Dileep Kumar Pandey Versus Union of India and ors."*, has passed the following orders: -

*"2. Considering the aforesaid view having been taken by the Apex Court, we need not further dwell with the question referred to us, as this Court is bound by the view already taken by the Apex Court.*

*3. In view thereto, the reference is answered accordingly, and the cases are remanded back to the*



*concerned Bench for final adjudication.*

*4. Photocopy of this order be placed on the connected cases.”*

4. That keeping in view the pronouncement on the aspect of maintainability of the writ petition by the Larger Bench dated 11.7.2025, this court comes to the conclusion that the present appeal lacks merits and is, consequently, dismissed. It goes without saying that the appellant shall be at liberty to avail such other remedies as is admissible in law.

Pending applications, if any, shall also stand disposed of.

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**( ROHIT KAPOOR )**  
**JUDGE**

**26.08.2025**

**monika**

*Whether speaking/reasoned* : *Yes/No*

*Whether reportable* : *Yes/No*