

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.: 19 of 2019 a/w

CWP No. 20 of 2019

Date of Decision: 28.02.2019

1. CWP No. 19 of 2019

Sandeep Salaria

.....Petitioner.

Vs.

Chairman Himachal Pradesh Private Educational
Institutions Regulatory Commission, Majitha House
Complex, Shimla-2 and another

.....Respondents.

2. CWP No. 20 of 2019

Amit Kumar

....Petitioner.

Vs.

Chairman Himachal Pradesh Private Educational
Institutions Regulatory Commission, Majitha House
Complex, Shimla-2 and another

.....Respondents.

Coram:

The Hon'ble Mr. Justice Surya Kant, Chief Justice

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹

For the petitioners:

Mr. Arush Matlotia, Advocate, in both
the petitions.

For the respondents:

Ms. Anjula Khajuria, Advocate, for
respondent No. 1, in both the petitions.

Surya Kant, Chief Justice *(Oral):*

This order shall dispose of the above captioned writ petitions, as the grievance expressed by the petitioners in both the cases is common in nature. Facts are being extracted from the lead case, i.e., CWP No. 19 of 2019.

¹ Whether the reporters of the local papers may be allowed to see the judgment?

2. Petitioner in this case was working as Assistant Professor (Mechanical Department) in Arni University since 09.05.2014. His grievance in the instant writ petition is that he has not been paid salary and other allowances for the period from 1st November, 2015 to May, 2016 and from January, 2018 till date. It is averred that despite repeated representations sent to the Registrar of the respondent-University, no heed is paid to the petitioner's request. On this premise, petitioner has further averred that denial of salary tantamounts to taking away right under Article 21 of the Constitution of India.

3. The petitioner relies upon a series of celebrated decisions, including (i) *Fisheries Department, State of Uttar Pradesh Vs. Charan Singh*, (2015) 8 SCC 150; (ii) *Centre for Environment & Food Security Vs. Union of India & others*, (2011) 5 SCC 676 and in special, the following observations made in *Peerless General Finance and Investment Co. Ltd. & another Vs. Reserve Bank of India*, (1992) 2 SCC 343:

“Article 25 of the Universal Declaration of Human Rights provides that “everyone has a right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care”. Right to life includes the right to live with basic human dignity with necessities of life such as nutrition, clothing, food, shelter over the head, facilities for cultural and socio-economic well being of every individual. Article 21 protects right to life. It guarantees and derives therefrom the minimum of the needs of existence including better tomorrow.”

4. Learned counsel for the Himachal Pradesh Private Educational Institutions Regulatory Commission is present and accepts notice on behalf of the first respondent. She submits and rightly so that no representation or complaint has been received from the petitioner by the Commission and in absence thereof, it is not expedient for the Commission to intervene in the matter.

5. Faced with this, learned counsel for the petitioners submits that the petitioners shall submit their formal representations to the Himachal Pradesh Private Educational Institutions Regulatory Commission.

6. The instant writ petitions are accordingly disposed of without expressing any views on merits, with liberty to the petitioners to approach the above stated Commission, who may intervene in the matter and take appropriate action in accordance with law and within the scope of its powers, after hearing the petitioners as well as the representative of the respondent-University. It shall be appreciated if appropriate decision is taken by the Commission within a period of three months from the date of receipt of the representations.

With the aforesaid observations/directions, the writ petitions stand disposed of, so also pending miscellaneous applications, if any.

(Surya Kant)
Chief Justice

(Ajay Mohan Goel)
Judge

February 28, 2019
(bhupender/guleria)