

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

Civil Writ Petition No.14734 of 2015

Date of decision: 10.8.2015

Gurpreet Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Vivek Sharma, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

Mr.Vivek Sharma submits that the State Government has withdrawn the impugned transfer order which was adverse to the interest of the petitioner and to that extent, the writ petition has been rendered infructuous. However, he further submits that though the writ petition has been rendered infructuous, yet a limited direction is sought and may be issued to the State Government that till such time as the regular recruitment is not made, the services of the petitioning Guest Faculty Lecturer be not dispensed with except for good and sufficient reason of say misconduct etc. These principles have been explained in **Hargurpartap Singh v. State of Punjab and others**; [2007] 13 SCC 292 by the Supreme Court in a case arising in appeal against an order of the Division Bench of this Court

against unwarranted replacement from one to the other without recruiting regular hands.

The request appears to be fair, reasonable and justified in view of the protection of law through precedents which have binding authority. It is well settled that ancillary orders can always be passed in writ jurisdiction to give the remaining relief to obviate further litigation. The State is thus directed that till the regular recruitment is made, the petitioner would continue to serve as Guest Faculty Lecturer till the post is advertised and filled and only then, can the replacement theory work. This order will, however, not preclude the State to make regular appointment to the post of Lecturers whenever the process is initiated. This order has been passed *ex parte* only on account of the fact that the law on the subject is much too well settled to be disturbed or not applied from case to case.

Before parting, Mr.Sharma relies on a decision of this Court rendered by the learned Single Judge of this Court in CWP No.25954 of 2013; **Tirath Singh and others v. State of Punjab and others** decided on 26.11.2013 where similar directions have been issued.

The petition is dismissed as infructuous but with the directions afforded in the order.

(RAJIV NARAIN RAINA)
JUDGE

August 10, 2015
Paritosh Kumar