

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

**CWP No.25531 of 2015
Date of decision: 7.12.2015**

Himani Joshi

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. G.S. Thind, 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)

1. The petitioner is a Guest Faculty Lecturer in Government Bikram College of Commerce, Patiala. She prays that she may be continued in service till such time as regular lecturers are recruited. Learned counsel for the petitioner relies on the directions issued in CWP No.24456 of 2015 (Punit Sharma & ors. v. State of Punjab & ors.), decided on 20.11.2015, whereby the following order was passed:-

“The petitioners are Guest Faculty Lecturers teaching in Government Polytechnic College, Bhikhiwind, Distt. Tarn Taran and pray for a limited direction to the State Government that till such time as the regular recruitment is not made, the services of the petitioners 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.

With the above observations and directions, this petition is disposed of.

2. The petitioner requests that similar directions be issued in the present case as above. There is merit in the contention and in the considered view of the Court the same directions deserve to be issued and accordingly are.

3. This petition is disposed of in terms of the decision in CWP
No.24456 of 2015.

(RAJIV NARAIN RAINA)
JUDGE

7.12.2015
monika