

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

CWP No.8311 of 2015
Date of decision: 13.05.2015

Monika Bedgal

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. RS Manhas, Advocate, for the petitioner.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not? YES
3. Whether the judgment should be reported in the digest?

ARUN PALLI J. (Oral)

Writ in the nature of mandamus is prayed for so as to direct the respondents to permit the petitioner to join on the post of Science Mistress, pursuant to her letter of appointment dated 16.12.2011 (Annexure P1).

Petitioner competed for selection against the post of Science Masters/Mistress, under Rashtriya Madhaymik Shikhiya Abhiyan Punjab. Pursuant to her selection, she was offered appointment vide letter dated 16.12.2011 (Annexure P1) and as may be germane in context of the issue involved, she was asked to submit her joining report within one week from the receipt of appointment letter in the office of concerned District Education Officer (S.E.). Clause 18 of the appointment letter stipulates that, in case the petitioner does not join within the stipulated period her appointment shall be

considered as cancelled. Concededly, the petitioner did not join within the prescribed period and instead moved a representation dated 23.12.2011 (Annexure P2) to respondent No.3, seeking extension in time till June 2012. The reason assigned by the petitioner was that she was doing M.Sc. (Chemistry) at Dr. B.R. Ambedkar NIT Jalandhar and her last semester (4th) was slated to be over only by June 2012. In response, respondent No.3 conveyed the petitioner that she could be granted extension only till the time the Election Code of Conduct was operative. And immediately thereafter, she shall report for duty and in case of failure the offer of appointment shall be considered as cancelled. Again, vide yet another representation dated 01.03.2012 (Annexure P4), petitioner prayed for extension till 20.06.2012. However, she was again conveyed vide letter dated 13.03.2012 (Annexure P5) to report for duty by 31.03.2012, failing which letter of appointment issued to the petitioner shall be considered as cancelled and claim of the petitioner will not be considered thereafter. Concededly, once again petitioner failed to join by the designated date i.e. 30/31.03.2012, but vide yet another representation dated 31.03.2012 (Annexure P6), she reiterated her prayer for extension of time upto 20.06.2012. Petitioner remained quiet for a period of over two months and again represented vide representation dated 25.05.2012 (Annexure P7) and expressed her willingness to join as she had

completed her studies. It would be apposite to point out at this juncture itself, that after almost three years of the last representation dated 25.05.2012 (Annexure P7), petitioner has preferred this petition on 28.04.2015.

I have heard learned counsel for the petitioner and perused the paper book.

Ex facie, the petition is speculative in nature and lacks bonafides. Nothing is indicated to justify the gross, inordinate and unexplained delay the petition suffers from. Even otherwise, claim of the petitioner is wholly misconceived. She was offered appointment vide letter dated 16.12.2011 (Annexure P1) and was asked to report for duty within a week, failing which her appointment was to be considered as cancelled. Concededly, she did not join and instead prayed for extension of time. Accordingly, she was instructed to join duty immediately after the Election Code of Conduct ceases to operate i.e. 30.03.2012. And vide letter dated 13.03.2012 (Annexure P5), she was conveyed in no uncertain terms that she shall have to join upto 31.03.2012, at the designated place of her posting, failing which her letter of appointment shall be deemed to have been cancelled and there would be no consideration of her claim thereafter. Subsequent representations made by the petitioner on 31.03.2012 (Annexure P6) and 25.05.2012 (Annexure P7) are hardly of any consequence or significance of law, as her appointment

already stood cancelled. And she was left with no tangible right to pursue. Needless to assert, to maintain a writ of mandamus, petitioner has to have a legally enforceable right. But in the matter in hand, petitioner has none. Learned counsel for the petitioner could not point out as to how post cancellation of her appointment and when her right of consideration stood foreclosed, she could still seek mandamus against the respondents to permit her to join as Science Mistress. Cancellation of her appointment was strictly in terms of the conditions on which she was offered appointment.

In the wake of the position as set out above, no interference is warranted in exercise of extraordinary jurisdiction under Article 226 of the Constitution. The petition is devoid of both i.e. merit and bonafides.

Dismissed in limine.

May 13, 2015
Rajan

(Arun Palli)
Judge