

IN THE HIGH COURT OF JUDICATURE FOR THE STATES OF
PUNJAB AND HARYANA, AT CHANDIGARH

Letters Patent Appeal No. 09 of 2014

Date of Decision: August 10, 2015

Smt Shalini Singal Nee Ms. Kusum Kumari wife of Shri Suresh Kumar
Singal ---Appellant

Versus

The Managing Committee, through its Secretary, S.D. College for Women,
3-Jawahar Nagar, Moga and others.

---Respondents

CORAM: **Hon'ble Mr. Justice Satish Kumar Mittal**
Hon'ble Mr. Justice Mahavir S. Chauhan

Present: Shri Dinesh Kumar, Advocate, for the appellant.

Shri Sameer Sachdeva, Advocate, for respondents No. 1 and 2.

Shri Vinod S. Bhardwaj, Advocate.

1. *Whether Reporters of local papers may be allowed to see
the judgment? Yes/No*
2. *To be referred to the Reporter or not? Yes/No*
3. *Whether the judgment should be reported in the Digest? Yes/No*

Mahavir S. Chauhan, J.

Appellant, who holds a Bachelor of Science (B.Sc.) degree in
Home Science, as also a degree of Bachelor of Education (B.Ed.), had
joined respondent-college as a Demonstrator in Home Science on July 01,
1972. On appellant's representation dated January 04, 1994, respondent No.

1 recommended her case to Panjab University, Chandigarh (Respondent No. 3) for being promoted as a Lecturer. Vide letter dated July 17, 1998 (Annexure P10), Panjab University approved case of appellant's promotion as a Lecturer with effect from July 01, 1972. However, vide letter dated October 09, 1998 (Annexure P12), Director Public Instructions (Colleges), Punjab (Respondent No. 4) disapproved of it and asked the University to withdraw appellant's promotion saying that on July 01, 1972 there was no post of Lecturer in the respondent college and the appellant could not be promoted against a non-existent post and that she did not fulfill the qualification for the post of a Lecturer. Consequently, vide order dated June 08, 1999 (Annexure P15) Panjab University informed respondent No. 4 that grant of designation of Lecturer to the appellant stood rescinded but vide letter dated January 07, 2000 it conveyed to the respondent college that it (Panjab University) had ordered that the appellant be designated as a Lecturer sans arrears of pay and seniority over existing Lecturers. Vide letter dated February 04, 2000 (Annexure P18) respondent No. 4 asked the University to withdraw order dated January 07, 2000 and consequent thereupon respondent No. 3, vide order dated March 03, 2000, withdrew the approval for designation of the appellant as a Lecturer.

02. Appellant then approached this Court vide Civil Writ Petition No. 9071 of 2000 for issuance of a writ of *Certiorari* quashing the orders declining her claim for being promoted/designated as a Lecturer and a writ of *Mandamus* directing the respondents that she be promoted/appointed as a Lecturer in Home Science with effect from July 01, 1972.

03. In the written statements filed on behalf of the respondents it was spelt out that cadre of Demonstrator was a diminishing cadre; according to the conditions of grant-in aid scheme, under which the respondent college is covered for 95% deficit grant, various posts in the privately managed colleges, as the respondent college is, could be filled only by way of selection through a duly constituted selection committee and there is no provision for promotion; and that the appellant does not possess the requisite qualification, viz., a Master of Science (M.Sc.) degree.

04. The writ petition, after contest, has been dismissed by a learned Single Judge of this Court vide order dated October 04, 2013.

05. To assail correctness of order dated October 04, 2013 passed by learned Single Judge, appellant has brought the instant Letters Patent Appeal under Clause X of the Letters Patent.

06. We have heard learned counsel for the appearing parties.

07. Learned Single Judge while dismissing the civil writ petition has observed as under:

“Be that as it may, the case of the petitioner is without any merit. The petitioner has been unable to show that there is an existing channel of promotion from the post of Demonstrator to a Lecturer that the post of Demonstrator forms a feeder channel to the post of Lecturer. No rules or regulations have been shown to this Court which would have formed the basis of such a claim of the petitioner and the consequent grievance on account of violation of such rules. If that be so, then the very foundation of the case of the petitioner is without any basis, more particularly, when the respondents have categorically stated that after 1973, the cadre of Demonstrator was a diminishing cadre and the qualification prescribed for the post of Lecturer was M.Sc., which the petitioner does not possess.”

08. Needless to state that to succeed in her claim it was incumbent upon the appellant to show that under the relevant rules/regulations a Demonstrator was liable to be designated as, or promoted to the post of, a Lecturer and that she possessed the requisite qualification for such designation/promotion. However, on behalf of the appellant, on one hand it is admitted that the appellant has since superannuated as a Demonstrator and qualification for the post of a Lecturer is a degree of Master of Science (M.Sc.) which the appellant does not possess and, on the other, no rules or regulations governing the criterion and procedure for designation as, or promotion to the post of, Lecturer, could be referred to. It has also remained undisputed that in the year 1972 in the respondent college there was no post of Lecturer against which the petitioner could be promoted or designated as a Lecturer.

09. In view of the above, no fault can be found with the order of learned Single Judge dismissing appellant's writ petition. The appeal, therefore, fails and is dismissed.

[SATISH KUMAR MITTAL]
JUDGE

[MAHAVIRS. CHAUHAN]
JUDGE

August 10, 2015
adhikari