

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13438 of 2016

Date of Decision:13.07.2016

Madhvi Lochhab

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.

1. The petitioner is already before this Court in CWP No.23538 of 2014 in which an interim order has been passed which allows the petitioner to continue till regularly selected candidate is available to replace the petitioner. The interim order was passed on November 18, 2014 and continues to operate by orders passed thereafter.

2. The petitioner has approached this Court against a public advertisement notifying vacancies by inviting applications for filling up five posts of Protection-cum-Child Marriage Prohibition Officer (Female only) one for each district in Haryana, that is in District Jhajjar, Jind, Yamunanagar, Rewari and Sirsa. The last date fixed for receiving applications was by June 30, 2016 up to 5:00 PM. Protection Officer is a statutory post owing its origin to the appointments designated under the Prohibition of Child Marriage Act, 2006. The petition has been filed on July

08, 2016 a week after the last date of receiving applications.

3. The petitioner has been working as Protection Officer-cum-Child Marriage Prohibition Officer in Jhajjar District since October 30, 2008 on contract basis. The contract has been renewed. The petitioner was served a show cause notice dated April 07, 2014 whereby Government had decided to remove all Protection Officers in the entire State of Haryana. The present advertisement calls fresh applications for appointment on contractual basis initially up to November 16, 2017. The argument remains the same as in the previous petition that contract employee should not be replaced by contract employee which is also the prayer in the present writ petition while challenging the advertisement. If the petitioner has approached the Court after last date of receipt of applications from eligible candidates under the advertisement she has not disclosed whether she has or has not applied for the post and may be seen as having waived or surrendered her right and succumbed to the employment notice. The ground of challenge is that the advertisement is politically motivated to make large scale changes in the matter of appointment of Protection Officers by the State Government. Without making any comment on this assertion, this Court is of the view that the petitioner can take all pleas raised in this petition in the pending writ petition since the pith and substance of both the petitions are the same and especially when the petitioner has already approached this Court in the pending writ petition when facing show cause notice of removal issued in 2014, in which petition interim protection has been granted to her.

4. Consequently, this petition is dismissed with liberty to pursue

the prayers made in this petition in the pending writ by resorting to appropriate steps including amending the writ petition, if advised.

(RAJIV NARAIN RAINA)
JUDGE

13.07.2016
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No