

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

**CWP No.2558 of 2012 (O&M)
Date of decision: 12.01.2016**

Uma Singh

....Petitioner

Versus

Maharishi Markandeshwar University and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gagandeep Rana, Advocate
for the petitioner.

Mr. Brijender Kaushik, Advocate
for respondents No.1 to 3.

Mr. Ashok Kumar, Advocate
for respondents No.4 and 5.

RITU BAHRI J. (Oral)

The petitioner has filed this writ petition seeking direction to respondents No.1 to 3 to allow her (i.e. the petitioner) to work as an Assistant Professor (English) and further direction to comply the appointment letter dated 25.08.2011 (Annexure P-1).

The petitioner was appointed on the post of Assistant Professor (English) in M.M. Engineering College, Mullana, District Ambala by respondent No.1. The petitioner was appointed on the pay scale of Rs.15600-39100 with Grade Pay of Rs.6000/-.

The services of the petitioner were liable to be terminated on

giving three months notice in writing or on payment of three months pay and allowance in lieu of the notice. The appointment letter dated 25.08.2011 issued by respondent No.1 is Annexure P-1. The petitioner proceeded on winter vacations from 31.12.2011 to 08.01.2012 as per Circular dated 21.12.2011 (Annexure P-2). When the petitioner reported on 09.01.2012, she found that her name was not figuring in the Attendance Register. Thereafter, the petitioner made a complaint to the Chief Minister and Vice Chancellor of the University vide Annexures P-3 and P-4.

Upon notice in the writ petition, written statement dated 06.02.2013, on behalf of respondents No.1 to 3 has been filed. It is admitted that the petitioner was appointed on 25.08.2011 on the post of Assistant Professor (English). It is submitted in the written statement that the petitioner had submitted her resignation on 07.11.2011 as she had got appointment somewhere else and prayed for relieving her after 20.12.2011. As per terms and conditions of appointment letter, the petitioner was directed to work till the semester is over or pay salary in lieu thereof. The petitioner in spite of the above condition, on her free will left the institution and violated the terms and conditions of the appointment letter and also concealed the resignation letter dated 07.11.2011 (Annexure R-1/1). She left the institution after 20.12.2011 and her name was removed from the Attendance Register. The fact with regard to tendering her resignation has

been concealed in the writ petition. The representations of the petitioner have duly been replied through registered posts, but the same were received back unserved with the report “*LENE SE INKAR*” as per Annexure R-1/2.

A perusal of Annexure R-1/2 shows that the resignation tendered by the petitioner (Annexure R-1/1) had been accepted as the petitioner had met different functionaries of the University requesting them for getting herself relieved by condoning the requirement of notice period.

The petitioner in the replication have not denied the contents of Annexure R-1/2. The petitioner was working as a Warden of the Hostel as per Annexure P-12 and she has also signed the Complaint Register of Hostel No.7 on 09.01.2012 to 16.01.2012 in the column of 'Remarks of Warden/Attendant' (Annexure P-13).

The aforesaid documents will not be sufficient to return a finding that she was working as a Lecturer. The petitioner has not denied that she has given her resignation (Annexure R-1/2). Once the resignation of petitioner had been accepted by the University, then there was no occasion to mark her present in the Attendance Register. Moreover, a counter-affidavit of M.K. Rewari, Under Secretary, University Grants Commission, Bahadur Shah Zafar Marg, New Delhi, on behalf of respondent No.4 has been filed. It has been clarified in the counter-affidavit that

deemed university status had been granted to respondent No.1- Maharishi Markandeswar University, Mullana, Ambala, under Section 3 of the UGC Act, 1956 vide notification No.F9-65/2006-U.3(A) dated 12.06.2007 and as per Article 5.5 of Regulations, 2010, the Board of Management of the institution will be independent and will have full autonomy to perform its academic and administrative responsibilities. The issue pertaining to continuance of an employee and termination would fall within the domain of the Management. The management of the University after appointing the petitioner had the powers to accept her resignation dated 07.11.2011 (Annexure R-1/1) and thus, after acceptance of the resignation, the petitioner has no ground to seek direction for continuing in the services especially in the background that she had left the services without complying with the terms and conditions of the appointment letter.

The writ petition is devoid of merit and the same is hereby dismissed.

(RITU BAHRI)
JUDGE

12.01.2016
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