

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

**Civil Writ Petition No.24084 of 2015 (O&M)
Date of Decision: 26.09.2016**

Aneelam Sharma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vijay Lath, Advocate for the petitioner.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (Oral)

The petitioner pursuant to advertisement in November, 2011 was selected for appointment on contract basis as Guest Faculty Instructor in the stream of Cutting and Tailoring with Industrial Training Institute (Women), Nangal. She joined on 03.04.2012. Her services were renewed every year till 23.07.2015, when her services were terminated on joining duty by one Smt. Krishna Kumari, a regular Instructor. In the present petition, the claim was for issuing a mandamus to re-employ the petitioner in the light of the order of appointment of the aforesaid regular Instructor having been cancelled, vide order dated 21.10.2015 (**Annexure P-20**), after barely two months of her joining.

This Court, while issuing notice of motion on 16.11.2015, passed the following order:-

“ *Counsel submits that the petitioner was working as a guest faculty on contract basis at Nangal and was relieved on 23.07.2015 on the joining of one Neelam Sharma, who was a regular instructor. The said employee's duty was cancelled two months later on 23.10.2015 (Annexure P-20). The petitioner, thereafter, submitted an application for reemployment and*

reinstatement. However, a public notice has been issued (Annexure P-23) for the posts of two instructors on guest faculty basis again and the petitioner's application has not been considered.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents and prays for time to file reply. Requisite number of copies of writ petition be supplied to him during the course of the day.

Adjourned to 27.11.2015.

In the meantime, one post of the Instructor shall be kept reserved by the respondents against the two vacancies advertised. ”

The aforesaid interim direction reserving one post was passed in view of the department proceeding to fill up two vacancies of Guest Faculty Teacher, vide Advertisement dated 05.11.2015 (**Annexure P-23**).

Upon notice, written statement has been filed contesting the claim, however, no reasons have been stated regarding the illegality of the appointment of Smt. Krishna Kumari, whose order of appointment was cancelled.

Be that as it may, the petitioner has moved another application bearing Civil Misc. No.9677 of 2016 for placing on record the information regarding the selection qua one vacancy, pursuant to the Advertisement (**P-23**). The information under the RTI is sought to be placed on record as **Annexure P-25**, which reveals that the petitioner has been placed at No.1 of the merit list in the selection qua the other post advertised vide (**P-23**).

Learned Counsel for the petitioner submits that although the petitioner has been selected at No.1 of the merit list, however, appointment to her has been denied in the light of the aforesaid interim orders dated 16.11.2015 and the candidate next in merit i.e. Gurnam Kaur has since been

appointed while ignoring the higher claim of the petitioner.

Keeping in view of the above, there is absolutely no impediment in appointing the petitioner even on the basis of her subsequent merit without going into her claim of re-employment pursuant to her previous selection.

Learned State Counsel, assisted by Ms. Ravneet Kaur, Instructor, submits that the present writ petition can be disposed of as the respondents would, within one week from today, offer her appointment as Guest Faculty Teacher against the second post vacant, in the light of her higher merit.

In view of the aforesaid circumstances, the present petition stands disposed of as infructuous. The respondents shall be bound by their statement. It is clarified that the admissible benefits of her previous period of Guest Faculty appointment shall also enure to the petitioner.

Disposed of in the above terms.

September 26, 2016
Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>