

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

LPA No.1699 of 2015 (O&M)

Date of decision : 8.8.2016

Samta Kumari

...Petitioner

Versus

State of Punjab and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE GURMIT RAM**

Present: Mr.Puneet Kumar Bansal, Advocate for the appellant.

Mr.Gagandeep Singh, Advocate for respondent No.1.

Mr.Rajesh Bhardwaj, Addl.AG Punjab.

SURYA KANT, J. (Oral)

The appellant was appointed as a Computer Teacher on contract basis on 9.8.2010. It appears that in the year 2009, she availed maternity leave and thereafter, sought further leave from 1.1.2010 to 20.4.2010 on the ground that she was unable to resume duties due to acute backache. As the medical certificates of private doctors from different places relied upon by her were not found convincing, she was asked to appear before Civil Surgeon, Mohali for her medical examination. The appellant chose not to appear. It was in these circumstances that her contractual employment was terminated and services were dispensed with.

Learned Single Judge has also declined to interfere with that action.

Still aggrieved, the appellant has filed this intra Court appeal.

We have heard learned counsel for the parties and gone through the record.

As the facts would speak for themselves, the appellant is single handedly responsible for the action taken against her. If there was any genuine health problem she ought to have obtained medical certificate from the Govt. Hospital or appeared before the Medical Board as was directed by the Department. The medical certificates appended by the appellant alongwith her application for extension of leave, which have been brought on record by the respondents, are far from convincing as none of the private doctors who have issued these certificates, appears to be subject expert. These certificates were apparently procured to justify the wilful absence from duty.

We are thus, not inclined to interfere with the action of the Authorities or the order passed by the learned Single Judge.

However, as and when the posts are advertised in future and if the appellant applies in response thereto, it is directed that her candidature shall be considered on merit and the action under challenge shall cause no impediment against her employment in future as per merit.

(SURYA KANT)
JUDGE

(GURMIT RAM)
JUDGE

8.8.2016
Meenu

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No