

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1620 of 2016 (O&M)

Date of Decision: August 30, 2016

Khalsa Education Council (Gujranwala)

.....Appellant

versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Sameer Sachdeva, Advocate, for the appellant.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J.

The appellant-Council filed a writ petition in this Court challenging the State Government order dated 23.04.2014 whereby its claim for conversion of unaided post of Lecturer-in-English at Gujranwala Guru Nanak Khalsa College, Ludhiana, into an aided post under 95% grant-in-aid Scheme, was rejected for the following reasons:-

“..... Whereas in this regard, it is stated that there is no provision in the “95% deficit grant in aid scheme” to convert a person from unaided post to aided post. As per the terms and conditions of grant in aid scheme, all appointments are to be made on merit and on basis of open advertisement so that all the candidates may avail equal opportunities of employment. Besides this, the Punjab Government vide letter No.14/43/05-3 Edu-1/15375 dated 14.07.2005 has clarified that no appointment of teaching and non-teaching staff shall be made against the vacant post or post which shall fall vacant in Government aided

private colleges. In view of this, the claim of the petitioner cannot be accepted and is rejected.....”

The writ petition challenging the above decision has been turned down by the learned Single Judge being not maintainable and rightly so, on the premise that a Writ Court cannot command the State to convert an unaided post into an aided post under the 95% grant-in-aid Scheme.

We have heard learned counsel for the appellant at a considerable length. He has not been able to point-out any provision in the Statute or the Rule/Policy whereunder the State is obligated to accept the request of the Management for conversion of unaided post into an aided post. The reliance placed on some office noting, apparently secured from some ministerial staff, does not clothe the appellant with any indefeasible legal right.

Dismissed.

[SURYA KANT]
JUDGE

August 30, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No