

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

CWP No.11131 of 2016 (O&M)
Date of Decision: 28.03.2017

Rupinder Kaur and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. H.C. Arora, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

Mr. Puneet Gupta, Advocate, has filed the fresh power of attorney on behalf of respondent No.3, superseding the earlier counsel, along with reply, which are taken on record and a copy of the reply has been supplied to the opposite counsel. Apart from this, as per office report costs have been deposited by respondent No.3.

The petitioners herein were recruited as Assistant Professors, after they had submitted their applications, in response to a public notice that was published in 'The Tribune/Punjabi Tribune'. They were appointed

under a Society known as Higher Education Institute Society (HEIS) in Government Mahindra College, Patiala, as Guest Faculty. Apprehending that their services would be terminated and fresh recruitment would be made, the instant writ petition has been filed.

Learned counsel for the petitioners contends that the petitioners have been discharging their duties since 2013-2015 and are entitled to protection of their services. Reliance has been placed upon a judgment that was rendered by this court in '**Sarjinder Singh and others vs. State of Punjab and others,**' Civil Writ Petition No.3613 of 2011, decided on 30.08.2011, to contend that their services could not be dispensed with, until and unless, the posts are to be filled up, following the procedure consistent with Articles 14 and 16 of the Constitution of India.

Mr. Puneet Gupta, learned counsel appearing on behalf of respondent No.3 submits that this writ petition is not maintainable, merely on apprehension, because as on date, no decision has been taken to terminate their services.

I have heard learned counsel for the parties and this court is of the opinion that the judgment rendered in '**Sarjinder Singh and others vs. State of Punjab and others**' (*supra*) is wholly applicable to the petitioners as well. Since the ratio of the aforesaid judgment is fully applicable to the case in hand, the instant writ petition is being disposed of in the same terms. The petitioners may be allowed to continue in service, till the regularly selected candidates are not appointed and their services will only be dismissed, if they are found unsuitable, as has been held in the judgment referred to above.

The writ petition stands disposed of accordingly.

March 28, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No