

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

1)

CWP No.18068 of 2016 (O&M)
Date of Decision: 17th April, 2017

Ishpreet Kaur Sandhu

...Petitioner

Versus

State of Punjab and others

...Respondents

2)

CWP No.18144 of 2016 (O&M)

Kamaldeep Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Saurabh Kaushik, Advocate
for the petitioners.

Mr. Rupam Aggarwal, DAG Punjab.

Mr. Puneet Gupta, Advocate
for respondents No.3 to 5.

JAISHREE THAKUR, J. (Oral)

By this order, this court shall dispose of both the above
captioned writ petitions, as common question of law involved therein. For

brevity, facts are being taken from Civil Writ Petition No.18068 of 2016 titled as ***“Ishpreet Kaur vs. State of Punjab and others”***.

The instant writ petition has been *inter alia* filed for issuance of an appropriate writ or direction, especially a writ in the nature of Mandamus, directing the respondents to allow the petitioner to continue in service, till posts are filled up with a regular incumbent.

The petitioner herein was appointed as Guest Faculty Lecturer with respondent No.3-Government Mahindra College at Patiala for the academic session 2013-16 and has been continuing since then. Apprehending that their services would be terminated and fresh recruitment would be made, the instant writ petition has been filed.

Mr. Saurabh Kaushik, learned counsel appearing on behalf of the petitioners contends that the petitioners have been discharging services satisfactory and are entitled to protection from termination. Reliance has been placed upon a judgment that was rendered 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 respondents No.3 to 5 has filed his reply and the same is taken on record. He submits that this writ petition is not maintainable, merely on apprehension, because as on date, no decision has been taken to terminate their services. It is also contended that the essential qualification required for the post in question is UGC-NET and the petitioners are not having the

qualification and as such, would have no right to continue in service. It is also contended that the petitioners have been appointed through Parent Teacher Association in the respondent-College and would be governed by the rules and regulations applicable to the Parent Teacher Association.

I have heard learned counsel for the parties.

In the judgment referred to above, similarly situated candidates were allowed to serve as per the present arrangement, till their services were required by the respective Societies or were found unsuitable for the reasons like lack of prescribed qualification, non-availability of funds, unsatisfactorily work and conduct and non-availability of requisite workload. Since the ratio of the aforesaid judgment is fully applicable to the cases in hand, the instant writ petitions are being disposed of in the same terms. The petitioners be allowed to continue in service, till the regularly selected candidates are not appointed and their services will only be dispensed with, if they are found unsuitable or any of the situation arises, as referred to in the judgment rendered in '*Sarjinder Singh and others vs. State of Punjab and others*' (*supra*), with the further rider that their services will be replaced with the persons, who are suitably qualified.

The writ petitions stand disposed of accordingly.

April 17, 2017

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No