

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

CWP No.18903 of 2017 (O&M)

Date of decision:28.08.2017

Shivani Sodhi

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

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

...

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner had served as a Guest Faculty Lecturer in the subject of English with Government College for Girls, Patiala in the academic sessions 2007 onwards till 2009. Services of the petitioner were discontinued w.e.f. 24.10.2009 as a regular employee, namely, Smt. Geetinder Kaur, Lecturer was brought in place of the petitioner by way of transfer.

Grievance raised in the instant petition is that the aforementioned Smt. Geetinder Kaur has superannuated on 31.07.2017 and the respondent/ College has issued a notice/advertisement dated 20.08.2017 at Annexure P-5 to engage Guest Faculty in various subjects including the solitary post of Lecturer in English. As per advertisement/notice at Annexure P-5, the walk-in-interview has been fixed for 29.08.2017.

Counsel would vehemently argue that the petitioner, whose work and conduct was without blemish would have a prior right to be engaged on a contractual basis upon the post having fallen vacant and in view of the decision of the respondent/College to fill up the Guest Faculty

post of Lecturer (English) and on contractual basis.

In view of the averments made in the petition and against the backdrop of the submissions advanced by counsel, I deem it appropriate to dispose of the present petition with a direction to respondents No.2 and 3 to consider the claim of the petitioner in the light of a legal notice dated 20.08.2017 (Annexure P-7), which is stated to have already been served. A final decision thereupon be taken within a period of one week from today. Till then, appointment letter for the post of Guest Faculty Lecturer (English) in pursuance to the walk-in-interview fixed for 29.08.2017 at Annexure P-5 would not be issued.

A final decision on the legal notice dated 20.08.2017 (Annexure P-7) by passing a reasoned order be communicated to the petitioner.

A clarification on one aspect is, however, issued.

The notice/advertisement dated 20.08.2017 (Annexure P-5) stipulates the candidates to possess qualifications as per norms of UGC/Punjabi University, Patiala/Punjab Government/HEIS. Suffice it to observe that it would always be open for the respondent/College to engage even on contractual basis a Guest Faculty Lecturer in the subject of English, who possesses qualifications as per UGC norms. Such observation is being made against the conceded position of fact that the present petition is not UGC NET qualified.

Disposed of.

28.08.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |