

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

**CWP No. 24585 of 2015
Date of Decision: 23.03.2017**

Hardev Singh & Another

...Petitioners

Versus

**Secretary, Department of Higher
Education & Others**

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J. S. Bhandohal, Advocate
for the petitioners.

Mr. T. N. Sarup, Addl. A. G., Punjab.

Mr. Surender Gaur, Advocate
for respondents No. 3 and 4.

JAISHREE THAKUR, J. (Oral)

The petitioner herein seeks a writ in the nature of Certiorari for quashing the appointment of respondents No. 3 and 4 as Guest Faculty Lecturers who have been appointed by respondent No. 2-Baba Shri Chand Ji Government College, Sardargarh, Bathinda.

It is contended that petitioner No. 1 joined respondent-College as Guest Faculty Lecturer in Computer Applications on 01.08.2009 and petitioner No. 2 joined the same College as Guest Faculty Lecturer in Geography on 03.08.2010. They were being paid a sum of Rs. 7,000/- per month as salary by the said College. Thereafter, respondent No. 2 passed a resolution dated 21.07.2015 to engage the services of the Guest Faculty Lecturers in the stream of Punjabi, History, Geography and Computer Science from 01.08.2015 and the petitioners were interviewed by

respondent No. 2, however, they were not offered appointment. The petitioners herein came to know that their services were substituted by offering letter of appointment to respondents No. 3 and 4 herein.

Learned counsel for the petitioners contends that the services of the petitioners, who had been initially appointed as Guest Faculty Lecturers on contract basis, could not be replaced by another set of Guest Faculty Lecturers.

Written statement has been filed by respondents No. 3 and 4, wherein, a primary objection has been taken that the writ petition deserves to be dismissed on account suppression of material facts. It is submitted that petitioner No. 1, who had been appointed as Guest Faculty Lecturer in Computer Applications on 01.08.2009, worked with the College only till 27.02.2010 and then again for a short duration from 03.08.2010 to 31.08.2010 and switched his job to working under a self financed scheme w.e.f. 01.09.2010 to 30.04.2011 and 11.08.2011 to 30.04.2012. It is contended that services of petitioner No. 2 were dispensed with as a Regular Associate Professor joined the College on 05.12.2011 and, therefore, the post held by petitioner No. 2 was filled up by a regular employee. It is further urged that the writ petition does not disclose the true and correct facts. A similar stand has been taken by the College in its reply.

I have heard learned counsel for the parties and have perused the record of the case.

The contention of learned counsel for the petitioners that the petitioners were appointed as Guest Faculty Lecturers with respondent No. 2 and resolution dated 21.07.2015 has appointed respondents No. 3 and 4 as Guest Faculty Lecturers on their place is factually incorrect. A categoric

stand has been taken by respondent No. 2 as well as by private respondents that petitioner No. 1, after working as Guest Faculty Lecturer, switched his job to a self financing scheme and worked there till 2012 while the services of petitioner No. 2 were replaced by appointing a person after a regular selection has been completed.

In view of the fact that petitioner No. 1 had not worked as Guest Faculty Lecturer with respondent No. 2 after 2010 he would not be able to challenge the appointment given to private respondents by raising the plea that he has been wrongly relieved from service. Once the petitioner had joined another project, it was open to respondent No. 2 to appoint anyone as they deem fit. Further, services of petitioner No. 2 have been replaced by a regular appointed candidate after a due selection process.

In view the above, this Court finds no infirmity in the orders appointing the private respondents and, therefore, the instant writ petition is dismissed being devoid of any merit.

March 23, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*