

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

CWP No.271 of 2015(O&M)

Date of Decision:-30.03.2017

Navjot Kaur.

.....Petitioner.

Versus

Board of Governors, Beant College of Engineering & Tech. & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ajay Pal Singh Rehan, Advocate for the Petitioner.

Mr. Vipin Mahajan, Advocate for the respondents.

JASWANT SINGH, J.(ORAL)

Petitioner was engaged as a Lecturer (Guest Faculty) in Applied Physics in the Polytechnic Wing of Beant College of Engineering and Technology, Gurdaspur on hourly basis from 17.08.2009 to 18.12.2009. Thereafter from semester to semester she was engaged on similar basis. A decision by the Board of Governors of the said college was taken to fill up the post on contract basis for one year (extendable upto 3 years) and accordingly advertisement dated 04.12.2014 (P-3) was issued resulting into dispensing of the service of the petitioner vide order dated 13.12.2014 (P-5).

The petitioner filed the aforementioned writ petition seeking the quashing of order dated 13.12.2014 (P-5) whereby her services were dispensed with, in view of the fresh selection pursuant to the advertisement

P-3. This Court while issuing notice of motion on 08.01.2015 directed the respondents to continue with the services of the petitioner till further order.

Upon notice a reply has been filed on behalf of the respondents wherein it is submitted that the petitioner has concealed the fact that she had participated in the selection process pursuant to the advertisement P-3 by undertaking the written test conducted in December 2014 and had not been selected against the advertised post of Lecturer in Applied Physics for appointment on contract basis and writ petition has been filed on 06.01.2015. It is also submitted that pursuant to the selections, three candidates had joined, however, in deference to the interim directions the petitioner was being permitted to continue as a Guest Faculty.

At the time of hearing today respondents have moved a CM No.3590 of 2017 seeking vacation of the interim directions dated 08.01.2015 with the assertion that the petitioner had proceeded on medical leave on 14.3.2016 upto 31.03.2016. She sought extension from 1.4.2016 to 15.04.2016, which was approved without pay. Thereafter she has submitted medical leave from 16.04.2016 to 30.04.2016, from 1.05.2016 to 15.05.2016, from 16.05.2016 to 31.05.2016, from 01.06.2016 to 16.06.2016 and from 17.06.2016 to 02.07.2016 which were never sanctioned and hence she is on unauthorised leave till today. It is also submitted that as per the knowledge of the respondents the petitioner had gone abroad and was thus submitting fake medical leave, which even otherwise she is not entitled.

Although at the time of hearing, learned Counsel for the petitioner prays for time to rebut the allegations in the application, however, the fact that there is a concealment in the body of the writ petition regarding participation of the petitioner in the selection process pursuant to

advertisement P-3, which has not been rebutted by filing any replication, this Court is not inclined to go into the remaining facts. It is settled principle of law that a party which does not come to court with clean hands is not entitled to the discretionary relief under Article 226 of the Constitution of India.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

March 30, 2017
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>