

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

**CWP No. 8016 of 2016
Date of Decision: 30.03.2017**

Ritu Aggarwal & others

...Petitioners

Versus

State of Punjab & Others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Girish Agnihotri, Sr. Advocate with
Mr. Vijay Pal, Advocate
for the petitioners.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. Harinder Sharma, Advocate
for respondent No. 3.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed with following prayers:

- (i) that the petitioners be paid the minimum scale prescribed by the UGC and to release all arrears;
- (ii) to issue a writ in the nature of Certiorari to quash the action of the respondents-Colleges of dispensing the services of the petitioners during the period of summer vacation;
- (iii) that the petitioners be allowed to continue in service till regular selections are made.

Mr. Girish Agnihotri, learned senior counsel appearing on behalf of the petitioners, assisted by Mr. Vijay Pal, Advocate, contends that the petitioners have been appointed as Assistant Professors/Lecturers as Guest Faculty/on contract basis with respondent No. 3 which is Higher Education Society, Government Rajindra College, Bathinda. Having worked

for a few years, the petitioners fear that their services will be terminated as a new session is to commence and similarly situated persons would be appointed which is against the law as laid down by Hon'ble Supreme Court in ***Hargurpratap Singh vs. State of Punjab & others*** (Annexure P-7).

Per contra, Mr. Harinder Sharma, learned counsel appearing on behalf of respondent No. 3 submits that the Society is a registered society and self-funded. The Society, as per instructions from the Director Public Instructions (Colleges), Punjab, shall charge 70% of the fee prescribed by the University from the boy students and 50% of such prescribed fee from the girl students and it is out of this tuition fee that the Society is run. The instructions from DPI (Colleges), Punjab also specifies that no tuition fee is to be charged from the students belonging to the reserved category of Scheduled Caste whose parents' income is less than Rs. 1 lakh per annum and it is the Government of Punjab which would eventually reimburse the same.

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

Mr. Sharma brings to the notice of this Court that in ***CWP No. 3613 of 2011*** titled as ***Sarjinder Singh & others vs. State of Punjab and others***, a Co-ordinate Bench of this Court was seized of a similar matter where the petitioners therein, who were guest faculty, were fearing termination of their services. In the aforesaid case, it was held that the society is at liberty to dispense with the services of the petitioners only if found unsuitable for the reasons like lack of prescribed qualification, non-availability of funds, unsatisfactory work and conduct and non-availability of requisite workload, they could be removed. Other directions too had been given in the said

judgment. The Society would have no objection in case the writ petition is disposed of in the same terms as have been laid down in ***Sarjinder Singh's*** case (supra).

Learned senior counsel for the petitioners submits that in case the services of the petitioners are protected and they are only replaced by the persons who are regularly appointed or in terms of the aforesaid judgment, the writ petition may be disposed of in terms of the judgment rendered in ***Sarjinder Singh's*** case (supra). The relief as sought at (i) and (ii) of the prayer clause is not pressed at the present moment with liberty to approach the Department.

In view of above, the instant writ petition is disposed of in the same terms as have been laid down in ***Sarjinder Singh's*** case (supra) and giving liberty to the petitioners to approach the Department concerned for redressal of their grievance, if any.

March 30, 2017

Ansari

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No