

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

CWP No. 3496 of 2017

Date of decision: 23.02.2017

Navjeet Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. N.K. Banka, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

The instant writ petition has been filed for quashing of the show cause notice dated 04.11.2016 (Annexure P-2).

Learned counsel for the petitioner contends that having necessary qualification as prescribed under the advertisement dated 26.07.2011, the petitioner applied and was successful in the same and an appointment letter dated 12.10.2015 came to be issued. However, a show cause notice has been issued on 04.11.2016 wherein it is proposed to cancel the appointment offered to the petitioner on account of the fact that the degree/ qualification by the petitioner has been obtained through Distance Education. Learned counsel for the petitioner urges that no such requirement was mentioned in the advertisement that those persons who have obtained educational qualification through Distance Education would not be considered. In this regard reliance has been placed on the terms & conditions mentioned in the advertisement wherein against each post it is only specified that educational qualifications must be from the recognised

University/Board. It is apprehended that respondent No.2 has issued this show cause notice with a predetermined mind and the services of the petitioner will be terminated.

I have heard learned counsel for the petitioner and have gone through the show cause notice that has been issued to the petitioner.

The show cause notice clearly mentions that the Departmental Recruitment Committee has already decided to declare the candidates ineligible all those candidates who have obtained their degree through Distance Education Programme in accordance with the public notice given by the All India Council of Technical Education New Delhi. The show cause notice allowed the petitioner herein to file a reply as to why her services should not be terminated. The petitioner herein has not replied to the said show cause notice and instead has approached this Court.

After hearing learned counsel for the petitioner and without going into the merits of the case, this petition is disposed of by allowing the petitioner to file a detailed reply to the show cause notice within a period of one week from today. In case, reply is filed to the said show cause notice, respondent No.2 is hereby directed to decide the same by passing a speaking order within a period of one month thereafter with a further direction that till the decision is not taken, services of the petitioner be not terminated.

23.02.2017

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.