

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

**CWP No.5423 of 2017 (O&M)
Date of Decision : 23.03.2017**

Monika Kumari

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jagbir Malik, Advocate
for the petitioner.

AJAY TEWARI, J. (Oral)

This petition has been filed for issuance of a writ in the nature of certiorari for quashing of order dated 01.03.2017 (Annexure P-8) vide which the services of the petitioner has been terminated.

The petitioner applied for the post of female constable and was admittedly the last candidate to be selected. It later came to the notice of the respondents that in fact the petitioner could not have been offered an appointment because there was a pre existing interim order directing the respondents to keep one post vacant. Consequently the respondents issued a notice to the petitioner informing her that in fact her appointment was illegal being in violation of an interim order passed by this Court and asking her to show cause why her services be not terminated and ultimately terminated her services.

Learned counsel states that CWP No.22142 of 2016 (in which the interim order was passed) was ultimately disposed of and even after the

consideration, that petitioner was held not entitled for appointment. As per

learned counsel once that is so the appointment of the petitioner can not be held to be illegal.

In my opinion this would not be a complete answer. It is not disputed that there was an interim order directing the respondents to keep one post vacant and the petitioner could not have been appointed in the face of that interim order and consequently her appointment was to that extent illegal.

In the circumstances, no fault can be found with the order (Annexure P-8) terminating her services. This also is not the end of the matter. Learned counsel states that as the situation now prevails the petitioner would again come up to the level of last selected candidate but this is an issue which has to be gone into by the respondents.

In the circumstances the prayer made in the petition for setting aside the termination order is rejected. However, petitioner is at liberty to move a self contained representation to the respondent No.2 bringing out the subsequent facts and in case any such representation is moved within one month from today, respondent No.2 is directed to decide the same by passing a speaking order thereon within two months thereafter.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

23.03.2017
pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No