

LPA no.1363 of 2017 (O&M) 1

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

LPA no.1363 of 2017 (O&M)

Date of Decision : 01.08.2017

Navjot Kaur

....Appellant(s)

Versus

Board of Governors, Beant College of Engineering &Technology,
Gurdaspur and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJ SHEKHAR ATTRI**

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

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of the learned Single Judge dated 30.3.2017 declining interference in writ proceedings initiated by the appellant questioning her termination. One of the principal reasons for dismissal of writ proceedings was the view of the learned Single Judge of appellant having concealed material fact of her participating in the selection process.

Learned counsel for the appellant has drawn our attention to the pleadings in the writ petition where he has categorically stated that an advertisement was floated by the official respondents on 4.12.2014 pursuant to which she had participated in the selection process unsuccessfully. Therefore, the reasoning of the learned Single Judge of concealment of facts by the appellant is contrary to the facts. We would thus not construe this to be a good ground for dismissal of the writ petition as has been done by the

learned Single Judge but looking at the other aspects of the matter, the writ petition still would have to be dismissed, since the appellant never challenged the selection on the grounds that might have been available to her. She merely questions her relieving order on account of new selection where she participated unsuccessfully. Having done so, it does not lie in her mouth that her relieving order as guest faculty member was contrary to law. That apart the respondents moved an application for vacation of stay where the unauthorized absence of the appellant from her assignment has been noticed. Considering that the appellant was a guest faculty member, the authorities even otherwise would have been within their rights to terminate the contractual arrangement if the conduct was unsatisfactory.

Be that as it may, we would dismiss the appeal primarily on the ground that in writ proceedings the appellant failed to mount a challenge to the selection wherein she had also participated unsuccessfully.

In view of above, instant appeal is hereby dismissed. However, delay of 20 days in re-filing and 32 days in filing the instant appeal is hereby condoned.

(Mahesh Grover)
Judge

01.08.2017

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Raj Shekhar Attri)
Judge