

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

**Civil Writ Petition No. 15400 of 2011 (O&M)
Date of Decision: 17.05.2018**

Managing Committee, Sri Guru Gobind Singh Khalsa
College, Mahilpur, District Hoshiapur and another

..... Petitioners

Versus

Ms. Manveet and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sameer Sachdeva, Advocate
for the petitioners.

Ms. Amandeep Kaur, Advocate for
Mr. Ramesh Sharma, Advocate
for respondent No. 1/Ms. Manveet.

None for respondent No. 2.

Mr. Ravi Gakhar, Advocate for
Mr. Jagdish Manchanda, Advocate
for the **applicant** in **CM No. 6728 of 2014**.

JASWANT SINGH, J. (ORAL)

The Managing Committee of Sri Guru Gobind Singh Khalsa College, Mahilpur, District Hoshiapur, which is an aided College (hereinafter referred to as the 'Employer-College') has filed the present writ petition challenging the order dated 10.02.2011 (**Annexure P-10**), passed by learned Educational Tribunal, Punjab, whereby the termination order dated 02.08.2010 (**Annexure P-4**) passed by the Employer-College, terminating the services of respondent No. 1/Teacher (Ms. Manveet) as Lecturer in History, has been set aside and directions have been issued for her reinstatement with consequential benefits of salary etc.

This Court, while issuing notice of motion, had stayed the operation of the impugned order dated 10.02.2011 (P-10) vide order dated 23.08.2011, which reads as under:-

“ **C.W.P. No. 15400 of 2011**

Present: Mr. K.S. Dadwal, Advocate for the petitioners.

Learned counsel for the petitioners inter-alia contends that respondent No. 1 was appointed subject to approval by Vice-Chancellor, Panjab University, Chandigarh, and DPI Colleges. It was also clearly mentioned in the appointment letter that the appointment is subject to approval of the above-said authorities and in case the appointment is not approved by either of two authorities as mentioned above, respondent No. 1 would be relieved from the charge without any notice or claim. Accordingly, vide order dated 2.8.2010, respondent No. 1 was relieved but the Tribunal has passed the order which is contrary to the facts and respondent No. 1 has been allowed to join duty and the impugned relieving order of respondent No. 1 has been set aside.

Notice of motion for 31.10.2011.

Meanwhile, operation of impugned order (Annexure P.10) shall remain stayed.

August 23, 2011

*(DAYA CHAUDHARY)
JUDGE ”*

Learned counsel for the petitioners has argued that the appointment of respondent No. 1 vide letter dated 22.08.2005 (Annexure P-3) as Lecturer in History was subject to the approval of the Vice-Chancellor, Punjab University, Chandigarh, and the Director of Public Instructions (Colleges), Punjab and in the event of the Director of Public Instructions (Colleges), Punjab, having not approved her appointment vide letter dated 30.07.2010, respondent No. 1 had no right to continue on the post of Lecturer in History.

On the other hand, counsel for respondent No. 1/Teacher has pointed out that respondent No. 1 was selected by a duly constituted Selection Committee, comprising of a Nominee of the Vice-Chancellor as well as Director of Public Instructions (Colleges), Punjab, held on 20.08.2005, therefore, the reason for non-grant of approval only by the Director of Public Instructions (Colleges), Punjab, simply on the basis that there was a ban imposed by the Government on 14.07.2005, cannot constitute as a valid basis for terminating the services of respondent No. 1. It is submitted that by efflux of time, the ground of alleged ban loses its significance in the light of no other illegality, and keeping in view the interest of the students, for which the services of respondent No. 1 were engaged.

It is also conveyed that respondent No. 1-Manveet was reinstated in service on 15.04.2011 in compliance of the directions passed by the Tribunal vide order dated 10.02.2011 (**P-10**), however the arrears for the period with effect from the date of passing of termination order dated 02.08.2010 (**P-4**) till the reinstatement on 15.04.2011 have not yet been released.

After scrutinizing the arguments of the counsel for parties and pleadings on record, this Court finds that the present petition is devoid of any merits.

It is not in dispute that a proper advertisement for recruitment of two posts of Lecturers in History was issued by the Employer-College on 12.05.2005 (**Annexure P-2**). It is also not in dispute that the Selection Committee constituted as per the provisions of Punjab Affiliated Colleges

the Vice-Chancellor as well as DPI (Colleges), Punjab, who conducted the selection process on 20.08.2005 and selected two persons to the post of Lecturers in History, in which, Sh. Ankush Bhardwaj was placed at Sr. No. 1 and appointed against the aided posts and Ms. Manveet (respondent No. 1) was selected and appointed against the second unaided post vide appointment letter dated 22.08.2005 (**P-3**). It is also not in dispute that the Vice-Chancellor, Punjab University, Chandigarh, has approved the appointment of respondent No. 1 vide letter dated 22.09.2008 (**Annexure P-5**), however, the DPI (Colleges), Punjab, vide its letter dated 30.07.2010 has conveyed that the appointment of respondent No. 1 cannot be approved, as the same was made inspite of the ban dated 14.07.2005. Learned Educational Tribunal, Punjab, on the basis of documents produced has noticed that there are other eleven (11) lecturers, who were appointed after the appointment of respondent No. 1, inspite of the ban dated 14.07.2005, and have been permitted to continue, whereas it is respondent No. 1, only, who has been singled out for such discriminatory treatment. In the opinion of this Court, the action of the Director of Public Instructions (Colleges), Punjab, in refusing to grant the permission and the consequent action of termination has been rightly held to be bad in law for the reasons that the alleged ban on recruitment by the Government was itself ignored by the Office of the DPI (Colleges), Punjab, by nominating a person to constitute the Selection Committee for conducting the selection on 20.08.2005, inspite of the ban on 14.07.2005. If any action is required, it was required to be taken against the Office of DPI (Colleges), Punjab, itself. Ms. Manveet (respondent No. 1), who has been properly selected by a duly constituted selection committee and has served the college and in the interest of the

students for almost five years before passing the impugned order of termination dated 02.08.2010 (**P-4**), cannot be prejudiced in any manner by the mindless action of the Office of DPI (Colleges), Punjab. This Court is in full agreement with the reasons adopted by the Tribunal, while proceeding to grant relief to respondent No. 1 including that of consequential benefits of salary etc.

In view of above, no case for any interference is made out in the present writ petition and the same is liable to be dismissed.

Dismissed.

The petitioners are directed to release the arrears of salary for the period w.e.f. 02.08.2010 till 15.04.2011 within a period of three months from the date of receipt of certified copy of this order, subject to respondent No. 1 filing an undertaking that she was not gainfully employed for the periods for which she is claiming arrears of salary. In case the directions are not complied, then respondent No. 1 shall be entitled to grant of interest @ 12% per annum for the said amount w.e.f. 15.04.2011, till the date of payment. That apart the petitioners shall be liable to be hauled up in contempt proceedings. The Managing Committee (petitioners) are at liberty to recover the amount of interest from the official(s) concerned.

Since the main case has been decided/dismissed, therefore, no orders are required to be passed in the pending miscellaneous application(s), if any, and the same stand(s) disposed of.

May 17, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

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