

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.16669 of 2016 (O&M)
Date of Decision : 01.05.2018

Navodaya Vidyalaya Samiti and others

....Petitioner(s)

Versus

Navreet Kaur and another

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT

Present : Mr.D.R.Sharma, Advocate for the petitioner(s)

Mr.H.S.Saini, Advocate for respondent no.1

MAHESH GROVER, J.(ORAL)

The respondent no.1 had approached the Tribunal as she was not being appointed despite facing a regular process successfully.

The petitioners have denied the appointment as they had issued instructions on 27.4.2011 purportedly pursuant to some directions given by the High Court of Patna and in consonance thereto which we intend to extract herebelow:-

“Henceforth, all vacancies are to be advertised in the national/local newspaper. All recruitment of non-teaching staff presently being made at JNV level is to be stopped immediately. Each Regional Office will assess the vacancy position of non-teaching

staff of Vidyalaya level and will advertise the vacancy in the newspapers. The recruitment process will be carried out by the Regional Office as per the provision of the Recruitment Rules.”

The respondent no.1 laid a challenge to the denial of appointment by putting forward her case and pleading that instructions afore-extracted would not apply to her case. The Tribunal accepted the plea and directed employment to respondent no.1 within a period of two months from the date of receipt of the certified copy of the order.

It is not in dispute that appointment has been given subsequent thereto but while passing the order, the Tribunal in the penultimate paragraph observed as follows:-

“10. In the light of the above, we find the date 27.4.2011 to be arbitrary and secondly, if the applicant is accorded approval, only one more person would be benefited.”

This paragraph is now a cause of grievance to the petitioners who contends that instructions issued by them were in consonance with the directions given by the High Court of Patna and even otherwise are in tune with the settled mode of public employment.

After hearing learned counsel for the parties, we are of the opinion that in fact the Tribunal committed an error in holding instructions to be bad when it ought only to have said that these instructions would not apply to the case of the respondent as she has faced a selection process prior to their coming into force on 27.4.2011. Such instructions which are in

could not have been termed to be arbitrary. We, therefore, expunge this paragraph 10 of the Tribunal's order as extracted above.

Disposed of in above terms.

(Mahesh Grover)
Judge

01.05.2018	
rekha	
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

(Rajbir Sehrawat)
Judge