

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

CWP-28059-2013 (O&M)
Date of decision : 05.09.2018

Amanwinderjit Kaur

...Petitioner(s)

Versus

Punjabi University, Patiala and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vijay Pal, Advocate,
for the petitioner.

Mr. Vishal Khatri, Advocate,
for the respondents.

JITENDRA CHAUHAN, J.

The petitioner seeks issuance of a writ in the nature of Mandamus directing the respondents to allow the petitioner to continue in service as Professional Assistant (Library), on which post she has been working since 2004 on *ad hoc* basis.

It is the case of the petitioner that the respondent-University issued advertisement dated 12.10.2012, inviting applications for various posts including the post of Professional Assistant on regular basis. The petitioner being fully eligible, applied for the same through proper channel. In the advertisement, it was nowhere mentioned that the University shall conduct written/typing test. Further, without giving any notice/information, the typing test was conducted on 9.11.2013. The petitioner came to know

about the test from her colleague and she immediately rushed to the examination centre and took the examination. As the same was without notice, the petitioner could not perform well in the test and was ultimately declared 'not qualified'. The prayer of the petitioner, *inter alia*, is to permit her to again take the typing test.

On the other hand, learned counsel for the respondents submits that the petitioner was duly informed about the typing test vide office letter dated 31.10.2013 (Annexure R-1). The petitioner did appear for the typing test and was even given relaxation for half an hour before performing the test.

Heard.

The petitioner had been working on the post in question on *ad hoc* basis. Thereafter, the post was published for filling up by a regular candidate vide advertisement dated 12.10.2012. The petitioner, among other candidates, applied for the same and participated in the selection process, however, could not succeed in securing the appointment as she failed in the typing test. Now, the said post stands occupied by another regular appointee. No material has been placed on record to substantiate that the petitioner was not informed about the test to be conducted. On the contrary, she had been provided an extra half hour to settle down and prepare herself for the test. Therefore, the prayer for re-test cannot be acceded to and is hereby rejected.

At this stage, learned counsel for the petitioner states that the petitioner may be adjusted against the available work/vacancy. However,

learned counsel for the respondents states that as the post in question has already been given to the successful candidate, there is no vacancy as such available for the petitioner.

Dismissed.

05.09.2018
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No