

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

**Civil Writ Petition No. 24731 of 2018 (O&M)
Date of Decision: 26.09.2018**

Ms. Anu

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. M.K. Dogra, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

Petitioner (Anu) alongwith Dr. Amita (respondent No. 4) was selected as Lecturer (Chemistry) vide same selection/direct recruitment made in Baring Union Christian College, Batala, District Gurdaspur (respondent No. 3), and offered appointment vide letter dated 09.07.2003 (**Annexure P-1**). She joined on 14.07.2003, whereas Dr. Amita joined on 15.07.2003. Admittedly, in the selection/merit list, both, Dr. Amita (respondent No. 4) and the petitioner were placed at Sr. Nos. 1 & 2, respectively, however, in view of the petitioner having joined one day earlier, was shown as senior to respondent No. 4 (Dr. Amita). The petitioner, being considered senior, was given the additional charge of the Head of Department (Chemistry) vide order dated 08.11.2016 (**Annexure P-4**) on retirement of the previous Head of Department (Chemistry).

The petitioner has, now, challenged the order dated 17.09.2018 (**Annexure P-5**), whereby Dr. Amita (respondent No. 4) for being placed senior to the petitioner as Lecturer in Chemistry has been

accepted, and consequently appointed as Head of Department (Chemistry).

Counsel for the petitioner states that the petitioner has been considered senior for almost fifteen (15) years, and, therefore, without any show cause or opportunity of hearing, Dr. Amita (respondent No. 4) cannot be declared senior.

However, to the pointed query, counsel for the petitioner concedes that both the petitioner and Dr. Amita (respondent No. 4) were recruited in the same selection and the petitioner concededly was lower in merit than respondent No. 4.

In view of the aforesaid conceded position, even a grant of opportunity of hearing would not entitle the petitioner to be placed or remain senior to Dr. Amita (respondent No. 4). No doubt, after granting opportunity, irregularity/mistake can be corrected, however, in this case, in view of the conceded position of fact and law, the petitioner could not have been placed or cannot be placed as senior to the aforesaid Dr. Amita. Any show cause or opportunity would not change the aforesaid position.

At this stage, counsel for the petitioner prays for withdrawal of the present petition.

'Dismissed as Withdrawn'.

September 26, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

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