

CWP-4396-2019 (O&M)

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

**CWP-4396-2019 (O&M)
Date of decision : 05.07.2019**

Seema Malhotra

... Petitioner(s)

Versus

District Judge-cum-Appellate/Educational Tribunal,
Rohtak and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sandeep Singal, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The petitioners had invoked the jurisdiction of this Court under Articles 226/227 of Constitution of India for issuance of a writ in the nature of *certiorari*, challenging the impugned order dated 31.05.2016 of the Tribunal, whereby her services were terminated as her service record was not found to be satisfactory.

The only argument raised by Mr. Sandeep Singal, learned counsel representing the petitioner is that as per Rules, probation period was of one year and can be extended maximum upto two years. The petitioner was appointed, on 23.03.2014. There was no order of extension of probation period and therefore, there was implied confirmation. The Department could not dispense with the services of the petitioner without holding regular inquiry. It is violation of Article 311 of the Constitution of

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India. In support of his contentions, relies upon the *ratio decidendi* culled out by this Court in **“Dr. (Mrs.) Shiva Mathur V/s State of Haryana” 1998 (4) RSJ 221** and **“State of Punjab V/s Meena Hardip Singh” 2002 (2) RSJ 759.**

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, concededly, the two years' probation period of the petitioner, after 31.03.2016, was extended to further two months and vide impugned order dated 31.05.2016, her services were terminated, thus, in such circumstances, holding of regular inquiry was inevitable.

Keeping in view the above, the present writ petition is devoid of merit and the same is hereby dismissed.

05.07.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**