

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No. 871 of 2019 (O&M)

Date of Decision: 10.07.2019

Jaya Sharma

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Ravneet Singh Joshi, Advocate, for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 18.03.2019 passed by the learned Single Judge dismissing the writ petition filed by the petitioner with a prayer to command the respondents to absorb her permanently in Sant Baba Seva Singh Memorial Government College after the same was taken over by the State Government and for release of salary which has been declined.

2. Admittedly before the college was taken over by the State Government on 21.12.2016, the petitioner (appellant herein) was working in the institution as she was appointed by the private management of the institution. The institution was taken over by the State Government pursuant to the decision taken in this respect vide order dated 21.12.2016 with the condition that only the teaching staff employed in the institution will be taken over/absorbed who fulfills the conditions as laid down by the UGC.

3. Admittedly, the matter of all the teaching staff of the institution was examined and it was found that only nine teaching staff members fulfill the requisite qualifications as per the guidelines/Punjab Government Conditions and the appellant-petitioner was not one of them. Since the appellant-petitioner did not fulfill the requisite qualification as laid down by UGC, she was not entitled to continue in the institution nor was entitled for payment of any salary.

4. Learned counsel for the appellant-petitioner places strong reliance on two letters issued by the Principal, Government Sant Baba Seva Singh Memorial Khalsa College and one of them is dated 18.02.2019 which certifies that the appellant-petitioner has worked as teacher of Economics to the graduate classes from 21.12.2016 to 18.02.2019. Another certificate certifies that attendance of such staff members who were not taken over by the Punjab Government.

5. It is not clear to us as to how the appellant-petitioner was permitted to work in the institution if she was not qualified and was not taken over and absorbed by the State Government while taking over the institution. It appears that the Principal of the college is in connivance with the appellant-petitioner in issuing the certificates who have absolutely no bearing or value on the controversy at hand. Once the petitioner-appellant is not having the requisite qualification as per the UGC guidelines, she cannot be permitted to continue as teacher in the institution and since she has not been absorbed by the Government at the time of taking over by the said reason, she would not be entitled for payment of any salary even if she has been allowed to work during the said period illegally by the Principal of the College. As a matter of fact the action of the Principal in this regard requires an investigation by the State Government for taking necessary action.

6. In view of the above facts and discussion we do not find any illegality in the impugned order passed by the learned Single Judge which may require any interference. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

10.07.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√