

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

**CWP No.13547 of 2015
Date of Decision: 18.01.2019**

Dr. Yashmin Sofat

... Petitioner

Versus

A.S. College Khanna and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rohit Seth, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

Mr. Sumeet Mahajan, Sr. Advocate with
Ms. Ramneeq Kaur, Advocate
for respondent No.1.

Mr. Mukesh Kumar Bhatnagar, Advocate
for respondent No.6.

ARUN MONGA, J. (ORAL)

1. Learned Senior counsel Mr. Sumit Mahajan appearing for respondent No.1 points out that the petitioner has since been appointed by the College as an 'Assistant Professor of Commerce' under grant-in-aid scheme as per Notification dated 20.06.2014 read with Notification dated 16.10.2014 issued by the Punjab Government and, therefore, the present petition has become infructuous.

2. Learned counsel for the petitioner contends that the petitioner was originally appointed on contract basis w.e.f. 18.05.2013 even though she had applied against a regular vacancy in pursuant to the advertisement dated 06.03.2013, and, therefore, is entitled for regularization with effect from her original date of appointment and in any case, not later than the date when the

State of Punjab lifted the ban on regular appointments.

3. Learned counsel for the petitioner further contends that similarly situated contractual Assistant Professors have now been directly re-appointed against the regular post. Petitioner may be given liberty to agitate her grievance qua the same, as may be available to her, in accordance with law.

4. Per contra, learned senior counsel appearing for respondent/College contradicts the contention of the learned counsel for the petitioner and states that the petitioner was in fact appointed against advertisement dated 29.07.2017 and in pursuant thereto, appointment letter dated 16.10.2017 was issued to her, and, therefore, prior contractual appointment is of no consequence.

5. Be that as it may, it cannot be denied that there is a controversy of regularization of the petitioner to the post of Assistant Professor. The petitioner is granted liberty to agitate her cause of regularization in view of the Notification dated 20.06.2014. It is pertinent to mention here that the said Notification in its para-2 though clearly states that the appointment of the Assistant Professor made on contract basis will be regularized after a completion of 3 years upon evaluating the working of the said Assistant Professor by constituting a Committee for regularization.

6. In view of above, liberty is granted to the petitioner to pursue her case for seeking benefit of regularization from the original date of her appointment vide appointment letter dated 16.10.2017. In the event, the petitioner files a representation to this effect, the same shall be considered by the competent authority. However, it is made clear that nothing observed above shall be construed as an expression of opinion on the merits of the case.

7. Disposed of accordingly.

18.01.2019
rekha sharma

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*