

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

CWP No. 14726 of 2017

Date of decision : 06.06.2019

Amandeep

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Patwalia, Advocate for the petitioner.

Mr. Nikhil Chopra, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner has prayed for a writ in the nature of certiorari for quashing advertisement dated 15.06.2017, Annexure P-6 whereby it has been decided to fill various vacancies under PPP Scheme as Guest Faculty including the post of Electronic Instructor on which petitioner was working earlier on contract basis. It has been urged before the court that as the petitioner has already worked on contract basis since the year 2014, he cannot be replaced by another set of contractual employees. According to learned counsel, the sudden decision of the respondents to advertise the posts, that too on contract basis, is arbitrary. Alternative prayer has been made to appoint petitioner on the post of Electronic Instructor on contract basis in view of the experience he has gained. Learned State counsel submits that selection of the petitioner was not made after following the due process and the guidelines issued by the Directorate of Technical Education and Industrial Training, Punjab. According to him, number of irregularities were

committed during the selection of petitioner and other guest faculty and a departmental action has been initiated against Tarsem Lal Bhagat, the then Principal of Govt. ITI (Women).

Heard.

It appears that an advertisement in the year 2014 was issued for various posts including that of Electronic Instructor by the respondent-department for appointment on contract basis under the welfare scheme at Government I.T. (W), Gurdaspur. As the petitioner fulfilled all the requisite qualification and met the eligibility conditions, he applied for the same. Vide order dated 25.08.2014 he was appointed on the post of Electronic Instructor in the respondent no. 3-Institute at Gurdaspur. It appears that petitioner was selected in walk-in-interview. Later on the scheme under which the petitioner was appointed was changed to PPP Scheme. On 28.11.2014, various posts on contract basis including the post of Instructor in Electronic and Communication system was advertised. Petitioner applied for the same and again got selected. Thereafter, petitioner continued to work till the expiry of extension period i.e. July, 2016. In the month of June 2017, a decision was taken by the respondents to recruit 02 Basic Cosmetology Instructors, 01 Electronic Instructors and 01 Dress Making on contract basis at Government I.T. (W), Gurdaspur as the earlier selection process was not made as per the guidelines. I find no infirmity in the same. It is completely within the discretion of the department to advertise the posts and fill them on contract basis. Stand of the State before this court is that number of irregularities have been committed by then Principal of the Government ITI (Women) Gurdaspur during the selection process of petitioner as he was his real son. Moreover, the experience certificate on the basis of which

found to be fake. It is, thus, evident that there are allegations of irregularities and nepotism.

In view of above, there is no merit in the petition. Same is hereby dismissed.

June 06, 2019

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No