

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

CWP No.4243 of 2020

Date of Decision : 17.02.2020

Vijender

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

...

TEJINDER SINGH DHINDSA, J.(ORAL)

Pleadings on record would indicate that petitioner worked as English Language Lab Instructor on contractual basis at Government College for Women, Hisar for the period 13.08.2015 to 09.11.2015.

Instant petition has been filed seeking a Mandamus for directing the respondent College to re-engage the petitioner on the post in question.

Counsel contends that post of Language Lab Instructor still exists in the respondent College. It is further urged that the petitioner was vested with a right to continue to work on the post on contractual basis till such time a regular selection is made. In support of his contention counsel has placed reliance upon a judgment rendered by a Coordinate Bench in **CWP 16954 of 2015** (*Anurag Chahal and others versus State of Haryana and anr*), decided on 05.05.2016 (Annexure P-10).

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no intervention in the matter is warranted.

It is not the case of the petitioner that he has been replaced on the post in question by another similar arrangement. Even if it is

accepted that there are posts available in the respondent college, it would be the prerogative of the employer to take a decision as regards filling up of any particular vacancy keeping in view the relevant parameters of workload etc. In such decision making, this Court in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India would not intervene unless it is shown that the vacancy in question is being kept deliberately open on account of oblique motive/consideration. That is also not the case made out on behalf of the petitioner.

Reliance placed by counsel upon the judgment in *Anurag Chahal's case* (supra) is misplaced. The right of a contractual employee to continue to work on the post till regular selection is made is not absolute. Such a right has to be circumscribed by certain essential pre-requisites viz there being workload for a person to be continued in engagement, work and conduct of the employee in question and for one contractual employee not to be replaced by any other contractual engagement.

There is no material on record for this Court to conclude that there is sufficient workload for the post in question to be filled up and that the respondent-College has chosen not to fill up the post with the oblique objective to keep the petitioner out of the job.

No merit.

Dismissed.

17.02.2020
dss

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No