

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-6388-2019 (O&M)
Date of Decision: 27.1.2020

Jaswinder Kaur

--Petitioner

Versus

State of Punjab & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.K. Daaria, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Challenge in the instant petition is to the order dated 28.4.2017 (Annexure P-2) issued by the third respondent i.e. Principal, Guru Teg Bahadur College, Bhawanigarh, District Sangrur relieving the petitioner from the post of Assistant Professor. A Writ of Mandamus is also sought directing the respondent authorities to regularize her services w.e.f 6.8.2010 i.e. the date on which services of one Kulwinder Kaur, were regularized.

Counsel submits that petitioner was engaged on ad hoc basis in the year 2011 for a period of one year and thereafter regular extensions were granted. However, without even issuing any show cause notice or grant of opportunity, she has been relieved vide impugned order dated 28.4.2017 (Annexure P-2). Entire case projected on behalf of the petitioner is that one Kulwinder Kaur, who was also engaged in a similar fashion on ad hoc basis, her services stand regularized w.e.f 29.6.2016 vide Annexure P-3. Parity in treatment is prayed for.

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

In the first instance it may be noticed that as per averments made in the petition as also the supporting documents, it is not discernible as to on what post the petitioner had actually been appointed and has served thereafter. In the Experience Certificate dated 17.5.2018 (Annexure P-1) petitioner has been described as Lecturer (Computer) Ad hoc. In the impugned relieving letter dated 28.4.2017 (Annexure P-2) petitioner has been addressed as Professor. However, in the body of such communication she has been described to have been appointed as Assistant Professor.

Counsel was repeatedly called upon to advert to any Regularization Policy/instructions under which claim of the petitioner for regularization was being pressed. Counsel has been unable to refer to any policy/instructions. Counsel would merely reiterate that case of the petitioner would be at par with one Kulwinder Kaur whose services have been regularized. Even such contention is misconceived. A complete reading of the document placed on record at Annexure P-3 would clarify that Kulwinder Kaur had been appointed w.e.f. 6.8.2010 and in such regard an agreement had been entered into between such employee as also the Governing Body of the Managing Committee of the respondent-College. In such agreement Kulwinder Kaur was placed on probation for a period of one year in the first instance and contemplates confirmation after completion of maximum period of probation. This is not an order of regularization as is being claimed by the counsel.

In any event the letter of initial appointment of the petitioner on the post be it Lecturer (Computer) or Assistant Professor (Computer) on ad hoc basis has not been placed on record. Counsel would concede that the post in question had not even been advertised and put in public domain. It

has been contended that selection and engagement on ad hoc basis was only pursuant to an interview.

Under such circumstances, without a regular selection process having been adhered to, the prayer made in the instant petition seeking regularization is ill founded.

That apart, since the initial letter of engagement/appointment has not been placed on record, this Court would proceed on the premise that impugned letter of relieving the petitioner dated 28.4.2017 (Annexure P-2) does not violate any terms and conditions on which the petitioner had initially been engaged.

No merit, petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

27.1.2020
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No