

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

CWP-24016-2019 (O&M)

Date of Decision:04.03.2020

Dr. Asha Kumari

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Kamal Mor, Advocate for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana.

Mr. Teevar Sharma, Advocate for respondent No.4.

Mr. Vishal Nehra, Advocate for applicants
in CM No.16944-45 of 2019.

TEJINDER SINGH DHINDSA J.(Oral)

CM-19152-CWP-2019

Prayer in the application is for preponement of the date of hearing fixed in the main writ petition.

Notice was issued in the application on 18.12.2019.

In view of the averments made in the application and by recording a no objection from the counsel appearing for respondents, prayer is allowed.

Date in the main writ petition is preponed from 05.05.2020 and the same is taken up on the board today itself.

Main case

Petitioner who was earlier working as Senior Resident and Demonstrator Doctor with the Pt.B.D. Sharma of Health Sciences University, Rohtak was selected for the post of Assistant Professor in the Department of Bio Chemistry with the 3rd respondent i.e. Shaheed Hasan

Khan Mewati Government Medical College, Nulhar, Nuh and joined on 27.02.2018.

The Pt. B.D. Sharma of Health Sciences University, Rohtak issued an advertisement dated 13.07.2019 inviting applications for filling up various posts including one post of Assistant Professor Bio Chemistry under the General Category. Petitioner being desirous of being appointed on such post submitted an application but the application was rejected vide impugned order dated 20.08.2019 stating that she has not completed the two years of probation period.

Writ petition came up for preliminary hearing on 02.09.2019 and the following order was passed:-

“Grievance of the petitioner in the present petition is that since 2014, she is in employment with respondents as Senior Resident and Demonstrator Doctor and thereafter joined as Assistant Professor on 27.02.2018. Respondent University, vide advertisement dated 13.07.2019, fixing the closing date as 06.08.2019 invited applications for filling up vacant posts of Senior Professors and Teachers (Assistant Professors) on regular basis. Petitioner being appointed as Assistant Professor, applied for No Objection Certificate, but the same has erroneously been rejected vide impugned order dated 20.08.2019 stating that she alleged to have not completed two years of probation period.

Notice of motion for 30.09.2019.

Ms. Shruti Jain Goyal, learned Deputy Advocate General, Haryana accepts notice on behalf of the respondents and seeks time to file reply.

Learned counsel for the petitioner is directed to supply five

copies of the paper book to the learned State counsel during the course of the day.

In the meantime, respondents are directed to provisionally interview the petitioner subject to final outcome of the writ petition and her result be kept in a sealed cover and brought on the next date of hearing.

Copy of this order be given dasti to the learned counsel for the petitioner under the signatures of the Court Secretary of this Bench.”

Learned counsel representing respondent No.4 has furnished the result of the petitioner in a sealed cover pursuant to the petitioner having participated in the selection process in pursuance to the interim directions passed by this Court. The sealed cover has been opened and perused. The same would reveal that against solitary post of Assistant Professor in Bio Chemistry Department (General) Category Dr. Vasudha Dhupper stands selected. Dr. Jyoti Bala is the wait listed candidate at Sr. No.1 and the name of the present petitioner is at wait list No.2.

In view of the aforementioned factual premise, there would be no occasion for this Court to examine the validity of the impugned order dated 20.08.2019 (Annexure P-7). The issue as such is left open.

Respondents would be at liberty to proceed further in the matter by declaring the result and to issue appointment letters strictly in order of merit so determined.

Disposed of.

Pending application(s), if any, shall also stands disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

March 04, 2020

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No