

COCP No.1595 of 2021

Date of decision: 24.08.2021

Sandeep Kaur

.... Petitioner

Versus

K.S. Kahlon

.... Respondent

Coram: Hon'ble Mr. Justice B.S. Walia

Present : Mr. Vivek Sharma, Advocate for the petitioner.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through VideoConferencing due to Covid-19pandemic.

2. Prayer in the petition is for initiating action against the respondent for intentional and willful defiance of order dated 23.07.2021 in CWP No.12894 of 2021.

3. Learned counsel for the petitioner contends that vide order dated 23.07.2021, CWP No.12894 of 2021 was disposed of by passing the following order:-

“ This order will dispose of two civil writ petitions captioned above, filed under Articles 226/227 of the Constitution of India.

The facts have been taken from CWP No.12894 of 2021.

Counsel for the petitioner(s) has submitted that the petitioner was employed as a part time lecturer with respondent No.2 on 18.07.2016 (Annexure P-1). She had been relieved from service and then filed CWP No.5193 of 2021. Similarly, in CWP No.12998 of 2021, petitioners had also approached this Court on the ground that they were being dismissed from service and posts have been re-advertised and on appointment of teachers on contract basis, they are liable to be relieved. An interim order dated 20.03.2017 has been passed in CWP No.5592 of 2017 in their favour that they would not be relieved.

In the meantime, advertisement No.3/2021 dated 18.03.2021 (Annexure P-3) had been issued, advertising the said posts of Assistant Professor (Punjabi) in three colleges, the cut off date of which was 11.04.2021. It is further submitted that apprehending that petitioner was being replaced by similarly situated person in view of the fact that there was mention that their appointment may be initially for the period of two

years on contract basis extendable on yearly basis upto the age of 70 years, she had filed an application in the said case. Statement had been made that these appointments will be on regular basis and thus, she could only apply for the requisite experience certificate on 12.04.2021 (Annexure P-7) after the cut off date. The requisite certificate was issued on 30.04.2021 (Annexure P-8) after the cut off date and thus, in such circumstances, consideration is sought of the petitioner's case. Apart from that, it is the case of the petitioners that on account of being part time lecturers, their experience certificates are not being considered for the purpose of marks, which are to be given, since teaching experience of less than an academic year is ignored.

Notice of motion.

Mr. M.K. Dogra, Advocate accepts notice on behalf of respondents. He submits that petitioners' case shall be considered for appointment irrespective of the delay as such on account of pending experience certificate. He, however, submits that the benefit of teaching experience is given as per the advertisement and the criteria adopted by the Syndicate. He submits that petitioners could have a right as such to agitate separately in case, they do not make the cut off and writ petitions are premature at this stage.

This Court is in agreement with the said submission made. The petitioners only have apprehension at this stage. . The assurance has been held out that their case will be considered and will not be rejected on account of late submission of experience certificates. In case, the petitioners do not make the cut off on account of experience certificate as part time lecturer issued to them, it is always open to them to challenge the selection, which is yet to be finalised.

Accordingly, both the writ petitions are disposed of with the aforesaid assurance.

July 23, 2021
Sachin M. ”

Sd/-
JUDGE

and that the instant petition has been filed on account of failure of the respondent to consider the case of the petitioner in terms of order dated 23.07.2021.

4. Issue notice to the respondent to show cause as to why proceedings under the Contempt of Courts Act, 1971 be not initiated against him.

5. Mr. M.K. Dogra, Advocate accepts notice on behalf of the respondent and while causing appearance on behalf of the respondent has produced copy of order dated 26.07.2021. The same is taken on record.

Copy thereof supplied to learned counsel for the petitioner. Operative part

of order 26.07.2021 is reproduced as under:-

“ *Guru Nanak Dev University, Amritsar
Office of Registrar*

No.790/R

Dated: 26.07.2021

The experience certificates as produced by Dr. Sandeep Kaur and Dr. Jatinder Kaur etc. have been perused and considered as per directions of the Hon’ble High Court for the purpose of short listing of candidates for interview. It is found that their experience is as Part Time Teacher (Lecture Basis), whereas, according to the criteria adopted and approved by the Syndicate of the University under Para 2.2 on 30.11.2017 the experience marks are to be given only to those candidates who worked as full time ad-hoc/Temporary or permanent in recognized University/College. Therefore, theses candidates cannot be given the marks of experience.

Sd/-

Registrar,

*Guru Nanak Dev
University,
Amritsar”*

6. Learned counsel contends that the candidature of the petitioner was considered for appointment by taking into account the experience certificate submitted late by the petitioner but the petitioner could not be awarded marks on account of the experience certificate since the experience certificate was not as per the criteria adopted by the University for selection to the posts in question and that in the circumstances, no case is made out for initiating proceedings against the respondent under the Contempt of Courts Act, 1971 and the only right available to the petitioner in case of grievance is to challenge the selection if so advised.

7. Faced with the aforementioned situation, learned counsel for

the petitioner states that he does not press the contempt petition and the same may be disposed of as such, while granting liberty to the petitioner to challenge order dated 26.07.2021.

8. In view of the position noted above, as well as statements of learned counsel for the parties, the instant petition is disposed of as not calling for any action against the respondent under the Contempt of Courts Act, 1971. However, liberty is granted to the petitioner to challenge order dated 26.07.2021 by way of appropriate proceedings, in accordance with law.

9. Rule discharged.

(B.S. Walia)
Judge

24.08.2021
'Rajneesh/Amit'

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