

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

**CWP-17844-2020(O&M)
Date of decision:25.03.2021**

Jagtar Singh and others

.....Petitioners

Versus

**Sant Longowal Institute of Engineering and Technology Longowal
and another**

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.R.K.Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate for the petitioners

Mr. Vivek Singla, Advocate for the respondents

ANIL KSHETARPAL, J.

Learned senior counsel has stated that the writ petition has become infructuous qua petitioner no. 2, 4 to 8 and 10 to 12 and the same may be dismissed as such qua them.

Ordered accordingly.

The petitioners were appointed as Assistant Professors on contractual basis. After selection of regular candidates, the petitioners were relieved in October, 2020. Learned counsel for the petitioners contends that still some regular/sanctioned posts are available and the petitioners can be accommodated against those posts. He further submits that before the petitioners were relieved certain Guest Faculty members were permitted to join in August, 2020 and they are being allowed to continue. He further submits that during the pendency of the writ petition, pursuant to a fresh recruitment notice, certain more incumbents have been allowed to join as Guest Faculty.

This Bench has considered the arguments of the learned counsel for the petitioners. As regards the first argument, it may be noted that an employer cannot be forced to fill up all the sanctioned posts. Therefore, the petitioners cannot claim any right against the posts which have never been filled up. As regards the second argument, it may be noted that the petitioners never applied pursuant to the recruitment notice issued to engage Guest Faculty. The Guest Faculty persons have been appointed after following due process. Further, the petitioners being contractual appointees cannot have any right against those posts.

Next argument of the learned counsel is also liable to be rejected in view of the fact that the petitioners did not apply pursuant to the recruitment notice issued during the pendency of the writ petition. No doubt, learned counsel for the petitioners has insisted that the petitioners are entitled to the directions in view of the judgment passed in **Mohd. Abdul Kadir and another vs. Director General of Police, Assam** (2009) 6 SCC 611, however, in the aforesaid case, Govt. of India had formulated the Prevention of Infiltration of Foreigners Scheme to strengthen the machinery of the Assam Government for detection and deportation of foreigners in the year 1960 which was extended from time to time. Subsequently, the Inspector General of Police issued a circular in the year 1995 that all the appointments shall be for a contract period of one year only. In those facts, the Court after noticing that the work is available and the writ petitioners have been given training and have

gained sufficient experience, directed the Government that the petitioners therein shall not be subjected to the process of repeated termination and thereafter, re-appointments. However, in the facts of the case, the aforesaid judgment, with greatest respect, is not applicable.

In view thereof, there is no ground to issue the writ. Hence, dismissed.

25.03.2021

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes /No

Yes / No