

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.5079 of 2020 (O&M)
Date of Decision:31.03.2022

Diksha Budhani

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Ashish Gupta, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG., Haryana.

LISA GILL, J(Oral).

Prayer in this writ petition is for a direction for quashing impugned advertisement No. BPS/2/2020 dated 17.02.2020, Annexure P-7, whereby respondent 3 has sought to fill up one post of Demonstrator (Microbiology) on tenure basis on the ground that service of a contractual/tenure employee cannot be replaced with another set of contractual/tenure employee. Further there is a prayer for quashing order dated 05.02.2020, Annexure P-6, whereby petitioner was ordered to be relieved from her duties of Demonstrator (Microbiology) w.e.f., 07.02.2020 (AN), allegedly in an illegal, arbitrary manner and in violation of principles of natural justice.

While issuing notice of motion, it was observed that post of Demonstrator (Microbiology) in pursuance to advertisement dated

17.02.2020, Annexure P-7, would be filled subject to the final outcome of the writ petition. Though, reply has not been filed, learned counsel for the respondent-State has furnished a copy of communication dated 30.03.2022, addressed to the learned Advocate General, Haryana by the Director, BPS Government Medical College for Women, Khanpur Kalan, Sonapat, wherein it is stated that petitioner was relieved by the College on 05.02.2020 from the post of Demonstrator and that the petitioner has forwarded an e-mail dated 21.10.2021 to the College that she did not have any objection in case anyone else joined at the seat and she would withdraw the writ petition filed by her. The post in question has thereafter been filled. Copy of Communication dated 30.03.2022, along with copy of e-mail dated 21.10.2021, is taken on record subject to just exceptions.

It is submitted that in this view of the matter and the specific stand of the petitioner as conveyed through e-mail, this writ petition is rendered infructuous.

Learned counsel for the petitioner submits that he does not have any instructions in this regard.

Keeping in view the categoric assertion on behalf of the respondents, writ petition is disposed of as infructuous. Needless to say, liberty is afforded to the petitioner to file an appropriate application within a period of one month from receipt of certified copy of this order, in case, any incorrect fact has been set-forth before this Court.

31.03.2022

s.khan

**[LISA GILL]
Judge**

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