

2023:PHHC:065011

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

CWP-19650-2015 (O&M)
Date of decision: 05.05.2023

Sanjeev Kumar

....Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Pawan Kumar Goklaney, Advocate for the petitioner

Mr. Navdeep Chhabra, Sr. DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner prays for the issuance of an appropriate writ, particularly the writ of Mandamus, to direct the respondents to grant him the deemed date of appointment as a Lecturer. The petitioner was initially selected as a Science Master. Pursuant to a fresh recruitment notice for the direct appointment, he applied and was selected as a Lecturer. He worked for some time as a Lecturer, however, the aforesaid selection was quashed as it was found to have been filled in excess of the advertised post. Consequently, the petitioner was reverted to the post of the Science Master. However, in order to protect the services of the persons, who had been appointed like the petitioner, an ordinance was passed, which was followed by the enactment of an Act. The aforesaid Act was made the subject matter of challenge before the Court. Hence, the Government offered to all the candidates, who were facing the removal, to join on the 89 days contract basis. The petitioner did not avail the aforesaid opportunity. He continued to work as the Science

Master. Ultimately, the validity of the aforesaid Act was upheld and the candidates, who had joined on the 89 days contract basis were absorbed as the regular employees in the service as Lecturers.

2. Now the petitioner claims that he should be deemed to be a Lecturer Mathematics from the date the other selected candidates have been given the benefit. As already noticed, the petitioner did not opt for the appointment pursuant to the ordinance issued by the State. He opted for a secured service namely the Science Master. All this while, he has worked as a Science Master before he was promoted as a Lecturer on 21.05.2012. As the petitioner has not worked as a Lecturer prior to 2012, the Court finds it inappropriate to treat the petitioner as equivalent to those who chose to work as temporary Lecturers solely on grounds of parity.

3. In view of the aforesaid facts and discussion, no ground to issue the writ, as prayed for, is made out.

4. Hence, dismissed.

5. All the pending miscellaneous applications, if any, are also disposed of.

05.05.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE