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

CWP-25151-2016

Date of decision : 13.03.2023

Managing Committee Khalsa College for Women

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. S.K. Sandhir, Advocate
for the petitioner.

Mr. I.P.S. Kang, A.A.G., Punjab.

Ms. Pooja Yadav, Advocate
for respondent Nos.2 & 3.

Mr. Viresh Dahiya, Advocate for
Mr. Padamkant Dwivedi, Advocate
for respondent No.6.

PANKAJ JAIN, J. (ORAL)

The petitioner herein prays for a writ in the nature of mandamus directing respondent Nos.2 to 4 to take appropriate action against respondent Nos.5 & 6.

The petitioner is a Managing Committee running an aided institution. Vide Annexure P-1 asked pursuant to judgment passed by his Court in 'CWP-10650-2013 titled as '**Jaswant Singh Vs. State of Punjab and others**', the State of Punjab permitted Private Aided Colleges to fill up the vacancies under Grant-in-aid scheme. Acting upon the said notification, the petitioner invited applications by a public notice for filling up vacancies of Assistant Profession in Computer Science and

Application. The post advertised was on contractual basis for 03 years. The selection process culminated in selection of respondent No.6, who came in employment of the petitioner vide Annexure P-5. A perusal thereof would reveal that the appointment was on contract basis for 03 years under grant-in-aid scheme at a monthly remuneration of Rs.21,600/-. It is claimed that respondent No.6 suddenly in the mid of session proceeded upon leave and, thereafter, tendered his resignation vide communication dated 30.08.2016 (Annexure P-11) and got appointed with respondent No.5. Learned counsel for the petitioner submits that such practice needs to be deprecated and curtailed as the same has led to indiscipline. He submits that in the absence of 'No Objection Certificate', appointment of respondent No.6 with respondent No.5 ought not have been approved. Reliance is being placed upon Rule 24.3 Chapter VIII(E) of the Punjab University Calendar Vol-I 2007. It has been submitted that owing to such practice at the hands of unscrupulous employees like respondent No.6, the whole purpose of direction issued by this Court in *Jaswant Singh's* case (supra), stands defeated.

Per contra, learned counsel for respondent No.6 submits that respondent No.6 tendered resignation and also paid one month's salary in lieu of notice period which was duly accepted by the petitioner and thus, it is too late in the day for the petitioner to cry foul.

I have heard learned counsel for the parties and have gone through the record of the case.

Learned counsel for the petitioner does not deny that the appointment of respondent No.6 was purely on contractual basis and

thus, contract of service as per settled law is not enforceable. He, also does not deny the fact that salary of one month in lieu of notice period offered by respondent No.6, was accepted by the petitioner. So far as the plea with respect to issuance of direction to curtail such practice and the same being in violation of directions issued by this Court in the case of *Jaswant Singh* (supra) is concerned, the same cannot be passed in the present writ petition. However, petitioner shall be at liberty to move an application/petition for the said relief.

In view of the above, this Court does not find any reason to interfere in the present writ petition. Resultantly, the same is ordered to be dismissed.

13.03.2023
ps-I

(PANKAJ JAIN)
JUDGE

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