

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 146

Civil Writ Petition No.18155 of 2023
Date of Decision: *August 21, 2023*

Monika Gahlawat and others

..... PETITIONER(S)

VERSUS

Shri Vishwakarma Skill University and another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. V.D. Sharma, Advocate for the petitioners.

Mr. Vaibhav Gupta, Advocate for Mr. K.K. Gupta,
Advocate for the respondents.

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Tribhuvan Dahiya, J. (Oral)

This petition has been filed seeking a writ of *mandamus* directing the respondent-University not to replace the contractual/Guest Faculty employees like the petitioners with another set of contractual/Guest Faculty in the Departments of Management and Music till regular selected teachers join.

2. As per facts apparent on record, the respondent University earlier issued an advertisement no.SVSU/2022/Estt./011, Annexure P-1, inviting applications for empanelment as Guest Faculty for the academic session 2022-23, among others, in the Departments of Management and Music. Petitioners no.1 and 2 applied for empanelment in the Department of Management, and petitioner no.3 in the Department of Music. Pursuant to an

interview, they were empanelled for a period of one year vide notifications dated 13.10.2022 (Annexure P-3) and 16.11.2022 (Annexure P-4).

3. Learned counsel for the petitioners contends that the respondents have again issued an advertisement dated 01.07.2023, Annexure P-5, inviting applications for empanelment of Guest Faculty for the academic session 2023-24 for different Departments, including the Departments of Management and Music, for which the petitioners had earlier been empanelled. This has been done to replace the Guest Faculty already empanelled, and contrary to the law laid down by this Court.

4. Learned counsel for the University, appearing on advance notice, contends that the appointment was not on contract; instead, the petitioners were only empanelled as Guest Faculty to be assigned teaching work as and when required. He further submits that pursuant to the instant advertisement, dated 01.07.2023, the petitioners submitted their applications and appeared for the interview also. Petitioners No.1 and 2 were found not suitable for empanelment, only petitioner no.3 was empanelled vide notification dated 10.08.2023 (Annexure P-6). Therefore, they have no right to file the instant petition.

5. Submissions made by learned counsel for the parties have been considered.

6. There is no denying the fact that petitioners applied for empanelment pursuant to the subsequent advertisement dated 01.07.2023. They faced the interview also, and petitioners no.1 and 2 remained unsuccessful. The instant petition has been filed as an after-thought on being

declared unsuccessful in the selection for empanelment. Once the petitioners willingly joined the selection process, they cannot be allowed to turn around and challenge the same selection and advertisement on being declared unsuccessful. Besides, petitioner no.3 has already been empaneled pursuant to this very selection process and, therefore, has no cause.

7. In view thereof, there is no ground to entertain the petition.
8. Dismissed.

(Tribhuvan Dahiya)
Judge

August 21, 2023
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>