

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

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CWP-24600-2023

Date of Decision: 02.11.2023

Dr. Mukesh

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. R.K. Malik, Senior Advocate with Mr. Samrat Malik,
Advocate and Mr. Digvijay Singh, Advocate for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

Mr. Dalbir Singh, Advocate for respondent No.4

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 16.10.2023, Annexure P-10, whereby the petitioner's seniority has been fixed in the subject of Commerce instead of Management.

2. Learned senior counsel has contended that the petitioner was appointed as Extension Lecturer for BBA classes on 01.08.2014. She has qualification of M.Com, MBA, M.Phil and Ph.D. in Management; and has also qualified UGC-NET in Management. From 2016 onwards, she has only been teaching the subject of Management in three years' BBA degree course.

However, vide impugned order dated 16.10.2023, her seniority has been

ordered to be fixed in the subject of Commerce instead of Management. It has been done only to retain the private respondent in service. The order has been passed without hearing the petitioner. It materially affects her rights, and may cost her the job itself.

3. Learned State counsel, appearing on advance notice, is not in a position to dispute the fact that the impugned order to the extent petitioner’s seniority has been ordered to be fixed in the subject of Commerce has been passed without hearing the petitioner. She further submits that the respondents will now pass appropriate order after issuing show cause notice to the petitioner in that regard.

4. In view thereof, the petition is partly allowed and the impugned order, dated 16.10.2023, is set aside to the extent it decides representation of respondent No.4 dated 12.06.2006 regarding seniority in BBA, and fixes petitioner’s seniority in Commerce. Liberty is granted to the respondents to pass a fresh reasoned order after issuing notices to the petitioner as well as the private respondent regarding their seniority in BBA, and taking into account their response thereto.

(TRIBHUVAN DAHIYA)
JUDGE

02.11.2023
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>