

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106) LPA-905-2024 (O&M)
Decided on : 02.05.2024

Rajni Rajanwal

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Mr. Sardavinder Goyal, Advocate,
Mr. Harish Marhia, Advocate and
Mr. Rohit Duggal, Advocate for the appellant (s).

Mr. Deepak Balyan, Addl. AG, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-2222-LPA-2024

Application for condonation of delay of 8 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 8 days in filing the appeal is condoned.

CM stands disposed of.

LPA-905-2024 (O&M)

Consideration in the present letters patent appeal is sought of the order of the learned Single Judge dated 27.02.2024 passed in CWP No.4476 of 2023, whereby in spite of the absence of the counsel for the writ petitioner having received the reply on the same day from the State, the learned Single Judge chose to dispose of the writ petition.

2. The stance taken by the State in its reply was accepted that the candidate would require certificate of HTET Level-2 Examination, since the appointment was as PGT (Social Studies), as per the instructions dated 07.12.2022 (Annexure R-1).

3. Application for recalling of the order was also filed bearing no.CM-5101-CWP-2024, which was dismissed on 22.03.2024. A perusal of the application would go on to show that the factum that the writ petitioner was given appointment vide letter dated 30.11.2022 on contractual basis and that she had joined on 05.12.2022 prior to the instructions relied on by the State dated 07.12.2022 (Annexure R-1), which fact had also been brought to the notice of the learned Single Judge. In the writ petition, it has been pleaded that the services of the writ petitioner were dispensed with in a arbitrary manner without issuing any show cause notice. It has further been brought to our notice that interim order dated 03.03.2023 had also been passed whereby protection had been granted to the writ petitioner/appellant by noting exactly the same contention. This aspect in the impugned order has not been mentioned, apparently due to the fact that counsel was not present at that point of time.

4. In such circumstances, we are of the considered opinion that the matter would require a re-look by the learned Single Judge as to whether subsequent instructions are of the State would have a prospective effect or whether instructions are retrospective in nature. Resultantly, we allow the present appeal and set aside the orders dated 27.02.2024 and 22.03.2024 and remand the matter for fresh consideration. Apparently, in view of the order dated 22.03.2024 passed by the learned Single Judge, the writ petitioner was relieved

on 26.03.2024. In such circumstances, we direct that the writ petitioner will be allowed to rejoin on the same terms and conditions of her appointment letter and it will be open to the learned Single Judge to pass appropriate orders regarding her entitlement as such. Parties shall put in appearance before the learned Single Judge on 04.07.2024.

5. Appeal stands allowed, accordingly.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

02.05.2024
Naveen

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No