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

(220)

CWP-23664-2016

Date of Decision : October 01, 2024

Karmjit Kaur

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Garg, Advocate, for the petitioner.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that the petitioner is being replaced by another Guest Faculty Sewing Technology Instructor, which is arbitrary and illegal.

2. Learned counsel for the petitioner argues that the petitioner was working as Sewing Technology Instructor with the respondent-Institute and the said post was again advertised vide Annexure P-3 and the petitioner has not been selected and respondent No.3 has been selected so as to be appointed on said post, which amounts to replacing of Guest Faculty Lecturer with another Guest Faculty Lecturer, which is contrary to the settled principle of law.

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3. Upon notice of motion, the respondents have filed the reply wherein, the respondents have stated that initially the petitioner was working as a part time Guest Faculty Instructor (Apparel Sector) under the Centre of Excellence Scheme being operated by the Directorate General of Employment and Training, Ministry of Labour and Employment, Government of India and as, under the said scheme, there was not even a single student enrolled for the academic session 2015-16, no budget was allocated by the competent authority and the said scheme had come to an end and thereafter, another scheme was formulated namely New Vocational Training Scheme for S.C. Trainees of the Welfare Department for 11 months and in order to make appointment under the said scheme, Advertisement Annexure P-3 was issued wherein, the petitioner competed along with 12 other candidates and as the petitioner could not secure marks equivalent to respondent No.3, hence respondent No.3 was selected in preference to the petitioner and therefore, it is averred that it is not a case of replacement as being alleged by the petitioner.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that the respondents have stated that the initial appointment of the petitioner as part time Guest Faculty Instructor (Apparel Sector) came to an end when no student was admitted for the session 2015-16. Thereafter, in an another scheme which was started under the title New Vocational Training Scheme, advertisement Annexure P-3 was issued wherein, the petitioner competed along with others but could not get selected as respondent No.3 secured higher marks. These facts have gone

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un-rebutted at the hands of the petitioner and there is no replication filed to controvert the said facts.

6. Keeping in view the above facts, present claim of the petitioner that she has been replaced by respondent No.3, is incorrect rather, the petitioner competed with respondent No.3 under a new scheme for which, she could not get selected and therefore, in the facts and circumstances of the present case, no ground is made out for any interference by this Court in the present petition.

7. Dismissed.

October 01, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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