

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-24265-2016 (O&M)
Date of decision: 21.03.2024

Megha Sharma and Others

....Petitioners

Versus

Board of Governors, Beant College of Engineering and Technology, Gurdaspur
and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Sunil Chadha, Sr. Advocate with
Ms. Devyani Sharma, Advocate for the petitioners

Mr. Vipin Mahajan, Advocate for the respondents

AMAN CHAUDHARY. J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents not to relieve the petitioners at the end of every academic session/semester.

2. Learned Senior counsel submits that the petitioners are serving as Guest Faculty Lecturers in different subjects since 2009 through proper procedure. However, despite their work and conduct being satisfactory, they were still sought to be replaced, that too by same set of employees, which is impermissible in law, as held by Hon'ble the Supreme Court in Civil Appeal No.8745 of 2003 titled **Hargurpartap Singh and others vs. State of Punjab and others**, decided on 01.11.2003.

3. Learned counsel for the respondents submits that petitioner No.4-Navjeet Singh is not attending the college for the last many months, a fact controverted by learned Senior counsel.

4. As is evident from order dated 21.12.2017 passed by this Court in the present case, termination of the services of the petitioners was stayed and since then, they are stated to be continuing as such.

5. Hon'ble the Supreme Court in the case of **Manish Gupta vs. Jan Bhagidari Samiti**, (2022) 15 SCC 540, while placing reliance on Hargurpartap Singh (supra) and **Rattan Lal vs. State of Haryana**, (1985) 4 SCC 43, observed that, "A perusal of the advertisement dated 24-6-2016 issued by the Principal, Government Kamla Raja Girls Post Graduate Autonomous College, Gwalior, which is at Annexure P-2 of the appeal paperbook and the advertisement dated 2-7-2016 issued by the Principal, SMS Government Model Science College, Gwalior, M.P., which is at Annexure P-3 of the appeal paperbook, would show that the appointments were to be made after the candidates had gone through due selection procedure. Though Shri Nataraj, learned ASG has strenuously urged that the appointments of the appellants were as guest lecturers and not as ad hoc employees, from the nature of the advertisements, it could clearly be seen that the appellants were appointed on ad hoc basis. It is a settled principle of law that an ad hoc employee cannot be replaced by another ad hoc employee and he can be replaced only by another candidate who is regularly appointed by following a regular procedure prescribed..."

6. Considering the facts and circumstances of the case and the law as enunciated, the petitioners are entitled to continue on the posts till such time these

are filled by way of a regular process of recruitment, contingent on their work and conduct remaining satisfactory.

7. The present petition stands disposed of, accordingly.

(AMAN CHAUDHARY)
JUDGE

21.03.2024
M.Kamra

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