



RSA-403-2023(O&M)

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

**RSA-403-2023(O&M)
Date of decision:-05.11.2024**

Smt. Mukesh

...Appellant

Versus

State of Haryana and others

...Respondents

CORAM : HON’BLE MR. JUSTICE SUVIR SEHGAL

Present : Mr.Parmod Chauhan, Advocate
for the appellant.

SUVIR SEHGAL, J.(ORAL)

CM-1459-C-2023

1. For the reasons given in the application, which is supported with an affidavit of the counsel for the appellant, it is allowed.
2. Delay of 210 days in re-filing of the appeal is condoned.

MAIN CASE

3. Appellant – plaintiff is in second appeal before this Court challenging the concurrent finding recorded by the Courts below.
4. Pledged case of the plaintiff is that she possesses the qualification of M.A. M.Phil and is pursuing Ph.D. She applied for the post of Extension Lecturer advertised by college – defendant No.3, but



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did not get selected. Plaintiff has averred that defendants No.1 to 3 did not follow the prescribed procedure and did not give a preference to the plaintiff, who was a lady. She claimed that she was entitled to preference for appointment to the post as it was being advertised in a women's college. She filed a suit for declaration that selection procedure adopted by the defendants for appointment to the said post is wrong and is liable to be set aside. She sought mandatory injunction directing defendants to select and appoint her.

5. Upon being served, defendants No.1 to 3 filed a joint written statement taking some preliminary objections. On merits, it was submitted that the post was advertised in Dainik Jagran on 25.07.2013 and there was no preference for female candidates, but preference was to be given to the candidates, who had qualified NET or possessed a Ph.D. degree. A stand has been taken that the plaintiff had passed B.A. in 3rd Division with grace marks and although she was a post graduate, but she could not produce the M.Phil degree and dissertation. Defendant No.4 filed a separate written statement stating that he has already been relieved from the post of Extension Lecturer in April, 2014. The plaintiff did not file any replication and issues were framed on the basis of the pleadings of the parties, who had led evidence in support of their case. After the parties were heard, Trial Court by judgment and decree dated 15.09.2017 dismissed the suit. Plaintiff remained unsuccessful before the First Appellate Court and appeal filed by her was rejected by the learned District Judge, Bhiwani vide judgment dated 21.08.2019, resulting in the institution of the present appeal.



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6. I have heard counsel for the appellant and examined the paper-book with his able assistance.

7. Appellant – plaintiff has failed to lead any evidence to show that the preference for appointment as Extension Lecturer was to be given to female candidates. DW1 Smt.Sunita Devi, Principal of college – defendant No.3 has deposed that the post was not reserved for female candidates nor any preference was given to them. The advertisement, Ex.D2, produced on the record also does not show that any such preference has been mentioned in the advertisement. On the basis of the ocular and documentary evidence produced before it, learned District Judge, returned the finding that total six candidates had appeared for the appointment out of which three were female candidates and defendant No.4, who was on the top of the merit-list was selected. Two female candidates were placed below defendant No.4 and even if the female candidates were to be selected, plaintiff did not stand a chance. It has been proved in evidence that the preference was to be given to retired college Principal or Lecturer and those, who had cleared the NET or possessed a P.hd. Degree. Plaintiff does not fall in any of these categories. Plaintiff's academic record was also not very satisfactory as she had cleared 10+2 examination in third division and had acquired the B.A. degree by securing grace marks. Moreover, the appointment of Extension Lecturer was meant for one academic year i.e. 2013 – 14 and the period has already expired. After having served on the post, defendant No.4 has been relieved in April, 2014. Both the Courts did not find any defect in the selection procedure nor could the counsel point



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out any infirmity. This Court does not find any perversity or illegality in the judgments passed by the Courts below, which are affirmed.

8. Appeal is bereft of merit and is hereby dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

05.11.2024

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Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No