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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-4157-2025

Date of decision: 28.11.2025

BIMLA

....Petitioner

Versus

STATE OF HARYANA AND ANOTHER

....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ashok Goel, Advocate for the petitioner.

Mr. Rohit Arya, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J (Oral):

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order, dated 26.07.2023, Annexure P-13, whereby the petitioner has been relieved from the respondent-College.

2. Learned counsel for the petitioner contends that the petitioner was engaged as a Peon on daily-wage basis in College, and worked as such from September 2006 to May 2016. Later, she was allowed to re-join pending disposal of her representation in that regard. It is submitted that she had cleared middle standard examination on 25.06.2018, and possessed the required eligibility for the post as well. However, her services were terminated vide the impugned order dated 26.07.2023, on the ground that her initial retention in service was not in accordance with law, as she had been appointed without issuance of any advertisement and was not qualified for the post as well, which is contrary to law. Learned counsel for the petitioner has relied upon the Supreme Court judgment passed in SLP(C) No.5580 of 2024 titled *Jaggo v. Union of India and others*.

3. Learned State counsel, on the contrary, submitted that the petitioner had earlier approached this Court challenging her disengagement as daily-wager in May 2016 by filing CWP No.23198 of 2016. The said petition



was disposed of vide order dated 16.11.2022, with liberty to the petitioner to approach the Department with proof of having requisite qualification for the post of Peon. The representation filed by her pursuant to the said direction could not be decided, compelling her to file COCP-1006-2023, alleging willful violation of the directions issued by this Court vide order dated 16.11.2022. During pendency of the contempt petition, she was allowed to join the College on 05.05.2023. Her representation was thereafter decided vide the impugned order dated 26.07.2023, and her claim was rejected. She was accordingly relieved from service. It is further submitted that there is no vacant sanctioned post of Peon in the College. Reference has been made to the following paragraph of the written statement in this regard which reads as under:

5. That it is pertinent to mention here four posts of Peon are sanctioned in the respondent college. Against of these sanctioned posts of Peon, on the recommendation of the Haryana Staff Selection Commission Ms. Rekha was appointed vide appointment order dated 31.01.2019, Ms. Jyoti was appointed vide appointment order dated 29.12.2024, Ms. Vandana was appointed vide appointment order dated 08.01.2025 and Sh. Rakesh was appointed vide appointment order dated 08.01.2025. Copies of appointment orders of all above employees are enclosed as Annexure R-1, R-2, R-3 and R-4. After joining these four employees in the year 2019 and 2025 no post of peon is lying vacant in the college of respondent No.2. All these four sanctioned posts are filled up vide regular candidates duly recommended by the Haryana Staff Selection Commission after passing the order dated 26.07.2023 (Annexure P-13) and at present no post of peon lying vacant. Therefore, the request of the petitioner to engage her as a peon is not sustainable.

4. Submissions made by learned counsel for the parties have been considered.

5. The facts on record show that the petitioner, who worked as a daily-wage Peon, was disengaged in May, 2016 and thereafter remained in service only for a period of about two months from 05.05.2023 to 26.07.2023. It is undisputed that no sanctioned post of Peon is lying vacant in the College after joining of regularly selected candidates on the recommendation of Haryana Staff Selection Commission. In the absence of post, no direction can be issued to engage the petitioner as a daily wager. Also, the judgment relied upon by learned counsel for the petitioner in *Jaggo* case *ibid.* does not advance her case in any manner. It is on the issue that performance of duties like cleaning, sweeping, dusting and gardening do not essentially require formal educational qualifications, and to terminate the services of such employees on account of lack of educational qualifications would be unjust. In the instant case, however, the petitioner has not been engaged to perform duties on a post which does not require any educational qualification; instead, her own case is that requisite qualification as Peon has now been acquired by her. Further, as per stand of the respondents, the petitioner is not being denied appointment on the basis of educational qualifications; rather, it is for want of a sanctioned post. Still further, none of the selected persons is a party to the petition, nor has any challenge been laid to their appointment.

6. In view of the above, there is no ground to entertain the petition and the same stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

28.11.2025
monika/Maninder

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