



CWP-10274-2017

**220 IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH**CWP-10274-2017
Decided on: 18.03.2025

Vaish Education Society (Regd.) Rohtak and others Petitioners

versus

Arvind Singla and others Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYAPresent: Mr. Amit Rao, Advocate
for the petitioners.Mr. Arihant Goyal, Advocate
for respondent No.1.

Mr. Rohit Arya, DAG, Haryana.

Tribhuvan Dahiya, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the judgment passed by the District Judge-cum-Educational Tribunal, Rohtak, dated 05.05.2015, Annexure P-8, to the extent a direction had been given to the petitioner-management to appoint the first respondent against any future vacancy of Lecturer in Electronics Engineering as and when it exists, either in aided or un-aided programme.

2. The facts relevant to adjudicate the matter are, the first respondent was appointed as Lecturer in Electronics Engineering in Computer Engineering Department in Vaish Technical Institute run by the petitioner-management vide letter dated 19.01.1993, Annexure P-1. The appointment was on *ad hoc* basis with the condition that the case would be put up before the Board of Governors for regular appointment. Later, the Board in its 49th meeting held on 14.03.1997 approved the regularisation of first respondent's service with effect from 24.11.1995 against a non-aided



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post. He was thereafter confirmed in service in non-Government aided course of Computer Engineering in the pay scale of ₹ 2200-4000 with effect from 06.12.1997 vide letter dated 23.12.1998, Annexure P-3. The first respondent, accordingly, continued working in the Institute till he was relieved vide letter dated 14.10.2014, Annexure P-6, due to paucity of funds and on account of no admissions in first year, and less admissions in second and third year in the self-financed course of three years Diploma in Computer Engineering. It was also mentioned that *“as and when the condition of admissions and funds will be improved in Self Finance Courses then you will be intimated for recruitment process”*.

3. The first respondent challenged his relieving order, dated 14.10.2014, by filing an appeal before the Tribunal, which was dismissed vide impugned judgment dated 05.05.2015, holding that there was nothing illegal in the termination of his services and relieving him from duties vide letter dated 14.10.2014. At the same time, considering the long service of twenty years in the Institute, he was held entitled to appointment against any future vacancy of Lecturer in Electronics Engineering in the Institute, either in aided or unaided programme. The petitioner is aggrieved against this direction by the Tribunal contained in para 23 of the judgment which is as under:

23. Resultantly, the appeal fails and the same is dismissed, but as the appointment of the petitioner was made by the Staff Selection Committee and said Committee consisted of eleven members including nominees of Government of India, Government of Haryana, Finance Department, Haryana and State Board of Technical Education Haryana and the said Committee was also competent to make appointments in aided programmes and further taking into consideration the fact that the petitioner had put in about 20 years of service, it is observed



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that he has a right to be appointed against any vacancy of Lecturer in Electronics Engineering in Vaish Technical Institute, Rohtak whether in aided or unaided programme. Therefore, it is directed that the petitioner shall be appointed against any vacancy of Lecturer as and when same would exist in Electronics Engineering in Vaish Technical Institute, Rohtak in aided or unaided programme. If any such vacancy is available today, then he shall be appointed immediately. File be consigned to the record room after due compliance.

4. Learned counsel for the petitioner contends that there is no legal basis to issue the direction once the termination has been held legal, dismissing the appeal. Even otherwise, as and when any vacancy of Lecturer in Electronics Engineering arises in the Institute, in aided or unaided programme, the first respondent will have the right to apply for it, and his candidature will be considered accordingly.

5. Learned counsel for the first respondent, on the contrary, contends that the direction has been rightly issued by the Tribunal considering the long service rendered by him. At this stage of career, he is not in a position to get any other employment and, therefore, the direction should be upheld.

6. The submissions made by learned counsel for the parties have been considered.

7. It is an admitted position on record that first respondent was appointed as Lecturer in Electronics Engineering on an un-aided post, and on account of paucity of funds his services were dispensed with by the management vide relieving order dated 14.10.2014. This has been upheld by the Tribunal vide the impugned judgment; nevertheless, a direction has been issued to give him appointment against any future vacancy, either in an aided



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or unaided programme. Apparently, the direction is without reference to any legal basis/provision for the same. Merely because the first respondent had rendered about twenty years of service in the Institute, it would not give him any right to appointment against a future vacancy also. As per the settled position, a post is to be filled by following due process of law after inviting applications from the eligible candidates, and the first respondent cannot be given any right over them only because he has rendered long service in the Institute. At best he can claim the right to consideration against any future vacancy which has already been granted by the management in terms of stipulation in the termination order itself that 'as and when there is an increase of admissions and improvement of funds in self-financed courses, he will be intimated for the recruitment process', and shall remain bound by it.

8. In view thereof, the petition is allowed, and the direction issued by the Tribunal to give appointment to the first respondent against any future vacancy, as contained in para 23 of the impugned judgment, is set aside.

18.03.2025
sonia

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/non-speaking? Yes/No

Whether reportable? Yes/No