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

CWP-26760-2015

Date of Decision: 23.07.2025

Sumita Vig

...Petitioner

Vs.

Panjab University and Ors

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.S. Bajaj, Advocate for the petitioner

Mr. Suvir Sidhu, Advocate for respondents No.1 to 4

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 18.05.2015 whereby she was terminated. She is further seeking setting aside of appointment of respondents No.5 to 8 as Assistant Professors at the Institute of Educational Technology and Vocational Education.

2. The petitioner was appointed as Lecturer in the Institute of Educational Technology and Vocational Education in 2007 on temporary basis. The appointment was subject to regular appointments. The respondent issued advertisement in 2010 inviting applications for regular appointments. The petitioner preferred CWP No.16816 of 2011 seeking regularization which was dismissed. She preferred LPA which was also dismissed with liberty to approach competent authority. The respondent

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terminated her services vide order dated 18.05.2015. She made representation on 01.10.2015 but to no avail. She is claiming that she was terminated misinterpreting the orders passed in CWP No.16816 of 2011. The respondent re-advertised 6 posts and even today, one post is lying vacant.

3. Learned counsel for the respondent submits that 6 posts were advertised in 2010 and 5 came to be filled. The respondent decided not to fill up 6th post. It was not even advertised during the intervening period.

4. I have heard learned counsel for the parties and perused the record.

5. A five Judge bench of Supreme Court in **Sivanandan C.T. and others vs. High Court of Kerala and others, 2023 SCC OnLine SC 994** though held that appointment of Judicial Officer by Kerala High Court was bad in law, however, did not disturb appointment on the ground that already appointed officers have already served for nearly six years and gained experience. It would deprive the State and its citizens of the benefit of experienced judicial officers. The relevant extracts of the judgment read as:

“60. The following are our conclusions in view of the above discussions:

(i) The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency, and predictability to avoid being termed as arbitrary and violative of Article 14;



(ii) An individual who claims a benefit or entitlement based on the doctrine of substantive legitimate expectation has to establish the following : (i) the legitimacy of the expectation; and that (ii) the denial of the legitimate expectation led to a violation of Article 14;

(iii) A public authority must objectively demonstrate by placing relevant material before the court that its decision was in the public interest to frustrate a claim of legitimate expectation;

(iv) The decision of the High Court of Kerala to apply a minimum cut-off to the viva voce examination is contrary to Rule 2(c)(iii) of the 1961 Rules.

(v) The High Court's decision to apply the minimum cut off marks for the viva voce frustrates the substantive legitimate expectation of the petitioners. The decision is arbitrary and violative of Article 14.

(vi) In terms of relief, we hold that it would be contrary to public interest to direct the induction of the petitioners into the Higher Judicial Service after the lapse of more than six years. Candidates who have been selected nearly six years ago cannot be unseated. They were qualified and have been serving the district judiciary of the state. Unseating them at this stage would be contrary to public interest. To induct the petitioners would be to bring in new candidates in preference to those who are holding judicial office for a length of time. To deprive the state and its citizens of the benefit of these experienced judicial officers at a senior position would not be in public interest.”

6. The petitioner was appointed on temporary basis in 2007 and she continued to work till 2015. The appointment was subject to regular appointments. The respondent has made regular appointments of 5



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Assistant Professors. A period of 10 years has passed away and at this belated stage, in view of the afore-cited judgment, it is not appropriate or desirable to disturb the selection of private respondents.

7. The petitioner is claiming that one post is still lying vacant. The respondent, if find appropriate, may consider the petitioner for the vacant post but it would not be a matter of right of the petitioner.

8. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.07.2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No