



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

224

CWP-16891-2022

Date of Decision : **February 03, 2026**

SUKHJANT KAUR

.....Petitioner

VERSUS

STATE OF PUNJAB AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present : Mr. Vivek Sharma, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

DEEPINDER SINGH NALWA, J. (Oral)

1. In the present writ petition, the petitioner has challenged the order dated 19.01.2019 (Annexure P-5) vide which the claim of the petitioner with regard to the appointment to the post of Guest Faculty Lecturer (Physics) has been rejected ignoring the fact that the petitioner was working on the said post since 2014.

2. Brief facts of the case are that respondent No.2 issued an advertisement on 14.07.2014 (Annexure P-1) advertising two posts of Guest Faculty Lecturer (Physics). In pursuance to the abovesaid advertisement, the petitioner applied for appointment to the post of Guest Faculty Lecturer (Physics). The petitioner was duly selected and appointed on the abovesaid post and joined the post in the month of July, 2014. The petitioner was relieved from services in the month of March 2015. Thereafter the petitioner was again appointed in the month of August 2015. Respondent No.2 again

issued an advertisement dated 04.01.2016 (Annexure P-2) advertising the same post on which the petitioner was working. In pursuance to the abovesaid advertisement, the petitioner applied for consideration for appointment to the abovesaid post on 12.01.2016. However, aggrieved against the abovesaid advertisement, the petitioner also filed a Civil Writ Petition No.1112 of 2016 in this Court. This Court was pleased to pass an interim order and on the basis of the interim order, the petitioner continued in service. It transpires that respondent No.2 again issued an advertisement on 22.07.2018 (Annexure P-3) advertising the same post, on which the petitioner was working during the pendency of the abovesaid writ petition. The writ petition No.1112 of 2016 filed by the petitioner was disposed of by this Court on 27.07.2018 (Annexure P-4) with a direction to the respondents to consider the claim of the petitioner provisionally and in case, the competent authority reached to the conclusion that the petitioner is not eligible for consideration, a speaking order be passed in the matter. The petitioner was relieved from service on 27.07.2018. In pursuance to the order passed by this Court dated 27.07.2018 (Annexure P-4), the respondents passed a speaking order dated 19.01.2019 (Annexure P-5). A perusal of the same would show that the petitioner has not been held eligible for appointment to the post in question on the ground that she does not have the mandatory qualification required of NET, which is a pre-condition for appointment as per the UGC regulations.

3. Aggrieved against the abovesaid order dated 19.01.2019 (Annexure P-5), the petitioner has filed the present writ petition.

4. The only contention raised by the learned counsel appearing on behalf of the petitioner is that as the petitioner was appointed on the post of

Guest Faculty Lecturer (Physics) in the year 2014, and as such the said post could not have been advertised and she could not be replaced by the same set of employees.

5. On the other hand, the learned State counsel submits that the petitioner was relieved from service on the ground that she did not have the requisite mandatory qualification of NET, as per the UGC regulations for the purpose of appointment on the post of Guest Faculty Lecturer (Physics). The learned State counsel further submits that the case of the petitioner was duly considered in terms of the order passed by this Court on 27.07.2018 (Annexure P-4), however, as the petitioner does not possess the requisite qualification as per the UGC regulations, the petitioner was held not eligible for consideration for appointment to the post of Guest Faculty Lecturer (Physics) in pursuance to the advertisement dated 22.07.2018 (Annexure P-4).

6. After hearing the learned counsel for the parties at some length, the issue involved in the present writ petition is whether the petitioner is eligible to be considered for appointment to the post of Guest Faculty Lecturer (Physics) in pursuance to the advertisement issued by the respondents and whether, the petitioner could have been replaced by the same set of employees.

7. A perusal of the order passed by this Court dated 27.07.2018 in CWP-1112-2016 (Annexure P-4) would show that a direction was given to the respondents to consider the case of the petitioner provisionally and in case, the petitioner was held not eligible, a speaking order should be passed. In

light of the abovesaid order passed by this Court, the case of the petitioner was duly considered for the appointment to the post of Guest Faculty Lecturer (Physics), however, taking into consideration the fact that the petitioner did not possess the mandatory qualification of NET, the petitioner has rightly been held not eligible. In regard to the contention raised by the learned counsel appearing on behalf of the petitioner that the petitioner could not have been replaced by the same set of employees is concerned, the abovesaid principle of law will not be applicable in the case of the petitioner for the reason that the petitioner does not possess the requisite qualification as required for the purpose of appointment on the post of Guest Faculty Lecturer (Physics) as per the regulations issued by the UGC. As the petitioner does not possess the requisite qualification, the petitioner had no right to continue on the post.

8. Taking into consideration the abovesaid facts, this Court finds no merits in the present writ petition. Accordingly, the same is dismissed.

9. All pending application(s), if any, also stand disposed of.

(DEEPINDER SINGH NALWA)
JUDGE

February 03, 2026
ajaysharma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No