
(2020) 02 UK CK 0058
In the Uttarakhand High Court
Case No : Writ Petition (S/B) No. 60 Of 2020

Manjulata

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 25-02-2020

Acts Referred:

Citation : (2020) 02 UK CK 0058

Hon'ble Judges : Ramesh Ranganathan, CJ; R.C. Khulbe, J

Bench : Division Bench

Advocate : Sanjay Bhatt, B.P.S. Mer

Final Decision : Disposed Of

Judgement

Ramesh Ranganathan, CJ

1. Heard Mr. Sanjay Bhatt, learned Counsel for the petitioner and Mr. B.P.S. Mer, learned Brief Holder for the State and, with their consent, the writ

petition is disposed of at the stage of admission.

2. The jurisdiction of this Court has been invoked by the petitioner seeking a writ of certiorari to quash the selection process of guest faculty initiated

by the third and fourth respondents pursuant to the advertisement dated 19.02.2020 and 21.02.2020; and for a writ of mandamus commanding the

respondents to allow the petitioner to continue as a Guest Faculty in the Government Post Graduate College/ Degree College against the vacant post

of Assistant Professor (Botany) in view of G.O. No.1503 dated 28.09.2018 as modified by G.O. No.1598 dated 03.10.2018, and pursuant to her initial

engagement dated 10. 11.2017 followed by the subsequent extension granted, from time to time, on 20.03.2018 and 22.04.2019.

3. Facts, to the limited extent necessary, are that the petitioner, a Post Graduate

in Botany, has also completed her Ph.D. Government Order dated 23.10.2017 was issued by the State Government authorizing the Director of Higher Education to engage guest faculty against the vacant post of Assistant Professor in different subjects/ disciplines till 28.02.2018 or till regular teachers are engaged, whichever is earlier. The Director, in turn, authorized the principals, of all Government Post Graduate Colleges and Government Degree Colleges, to issue advertisements and fill up the posts of guest faculty. Pursuant to the advertisement, the petitioner was selected and was appointed as a guest faculty in the Government Degree College, Baluakot in Pithoragarh District. She joined duty on 10.11.2017. The duration of appointment was for a period of 11 months, and was to expire by 28.02.2018. The petitioner was, in the meanwhile, offered appointment as a guest faculty in the Government P.G. College, Lohaghat in Champawat District where she joined duty on 04.12.2017, and continued till 21.02.2018.

4. Again by G.O. dated 23.02.2017, the terms of engagement of all the guest faculty was extended for 11 more months. In continuation thereof, another G.O. dated 22.04.2019 was issued wherein extension was given to all those engaged as guest faculty for a further period of 11 months.

5. The Principal of the college, where the petitioner was appointed, relieved her from service, by order dated 14.02.2019, on the ground that a new incumbent had been given regular appointment on the recommendations of the Public Service Commission.

6. It is the petitioner's case that, since she stood at the top of the list of the selected guest faculty to discharge the duties of an Assistant Professor in Botany, she should have been given first preference in appointment as a guest faculty and, instead, candidates lower than her in the merit list had been adjusted as guest faculty members in other colleges.

7. As noted hereinabove, the terms of engagement stipulate that the services of the guest faculty lecturer shall be engaged for a period of 11 months or till a regular Assistant Professor is appointed whichever is earlier. The petitioner was relieved from service, strictly in terms of these conditions, on 14.02.2019. Though the 11 month period of engagement was due to expire only on 22.03.2020, the petitioner's services were disengaged from 14.02.2019 since a regular Assistant Professor was appointed in the college where the petitioner was working as a guest faculty member.

8. It is evident, therefore, that the petitioner's services cannot be continued as a guest faculty member in the college where she was, hitherto,

working since a regular Assistant Professor was appointed thereat. Her claim for being considered for appointment as a guest faculty member in

nearby colleges, as per G.O. dated 03.10.2018, is a matter for the Director, Higher Education (second respondent) to consider.

9. Suffice it, instead of keeping the writ petition pending on the file of this Court, to permit the petitioner to make a representation furnishing details of

the persons who she claims to be junior to her, and who have been adjusted in nearby colleges; and seek extension of a similar benefit in her favour.

10. Mr. Sanjay Bhatt, learned Counsel for the petitioner, states that such a representation would be made within two weeks from today. In case, any

such representation is made, the second respondent shall consider the same in accordance with law, pass a reasoned order, and communicate the

same to the petitioner within six weeks from the date of receipt of a copy of the petitioner's representation.

11. With the aforesaid observations and directions the writ petition is disposed of. No costs.