

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.15703 of 2015
Date of Decision: August 03, 2015

Anil Kumar

...Petitioner

Versus

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Raj Kapoor Malik, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the order dated 25.6.2015 (Annexure P-13), whereby the claim of the petitioner, who has been appointed as Guest Faculty, for adjusting him to the post of Science Master in any school of District Kaithal in view of the guidelines dated 2.12.2008 (Annexure P-2) issued by respondent No.2, has been rejected.

Mr.Raj Kapoor Malik, learned counsel appearing on behalf of the petitioner submits that the impugned order suffers from infirmity, much less, discriminatory and arbitrary for the reason that similarly situated persons are allowed to work as Guest Faculty Science Masters, but the petitioner has not been assigned any work. He further submits that the petitioner fulfills essential qualification, i.e., Mathematics, Physics and

Electronics in B.Sc.

The fact remains that the petitioner has not been appointed through a regular process and is a back door entry despite the fact that the petitioner has rendered almost seven years of service as Guest Faculty and there is already a judgment rendered by this Court in CWP No.6090 of 2010 Tilak Raj Versus The State of Haryana and others, and upheld by the Hon'ble Supreme Court, whereby the State has already been directed to initiate the process of regular recruitment and stop the practice of recruiting Guest Faculty. The State has already taken the task and this Court has noticed this fact in Civil Writ Petition No.2968 of 2015 (Seema Devi Versus State of Haryana & others).

Be that as it may, the impugned order came to be passed on the directions contained in the order dated 29.1.2014 passed in Civil Writ Petition No.1590 of 2014 (Anil Kumar Versus The State of Haryana & others). As per the said order, the petitioner has passed only papers of Mathematics, Physics and Electronics in B.Sc., but as per the rules, he should have the combination of three subjects, i.e., Physics, Chemistry, Botany, Zoology and Mathematics. Since the petitioner did not fulfill the necessary qualification for the post as per the prescribed rules, his case has not found any favour by the authorities while passing the impugned order and accordingly his claim has been rejected as per the statutory rules.

The contention of the petitioner is that in view of the policy of the Government, he is entitled to be re-employed or re-adjusted against the vacant post in the school in District Kaithal, but the respondents have not given any assignment or re-employment or re-adjustment, much less,

relieved him. The fact remains that since the petitioner does not fulfill the essential qualification and rightly so, the authorities have rejected his case, he cannot raise the plea of estoppel that once he has continued to work, he cannot be relieved from the service on the ground of lack of qualification, if found later.

There is no merit in the writ petition. The same is accordingly dismissed.

August 03, 2015
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(AMIT RAWAL)
JUDGE