

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 2867 of 2015(O&M)
Date of decision : August 5, 2015

Sanjay Kumar and others

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Ms. Anu Chatrath, Senior Advocate with
Mr. Rakesh Sobti, Advocate
for the petitioners in CWP Nos. 2867,3998,4677,
8735 and 12698 of 2015.

Mr. Raje Ram Kaushik, Advocate
for the petitioners in CWP Nos. 7896,7901,8380 of
2015.

Mr. Jagbir Malik, Advocate for the applicant.

Mr. Jitender Dhanda, Advocate in CWP No. 5224
of 2015.

Mr. Hitesh Pandit, Additional Advocate General
Haryana.

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?

Amit Rawal, J (oral).
CM No.9703 of 2015.

For the reasons stated in the application, application
is allowed.

The applicant is impleaded as respondent No.5.

CWP No. 2867 of 2015(O&M)

By this order I intend to dispose of CWP Nos. 2867,

3998,4677,8735,12698, 7896,7901, 8380 and 5224 of 2015 filed at the behest of Guest Faculty JBT teachers in district Mewat whose services have been terminated by order dated 9.2.2015.

The contention of the petitioners is that they have been working as Guest Faculty JBT teachers since 2006 in District Mewat and since the respondent-State had published an advertisement on 8.11.2012 for filling up the aforementioned posts through regular process. However, the said selection was under challenge in this Court vide CWP No. 12938 of 2014 and the aforementioned writ petition was decided on 6.8.2014 by directing respondent No.2-Haryana School Teachers Selection Board (erstwhile) now Haryana Staff Selection Commission to declare the result of the Primary Teachers and issue appointment letters only after verifying antecedents of each candidate and after making scientific verification as available. The operative part of the order reads thus:-

“The State of Haryana advertised 8047 posts of Primary Teachers (earlier known as JBT Teacher) vide advertisement dated 8.11.2012. The entire selection process was completed by the Haryana School Teachers Selection Board, Respondent No.2 by making verifications of documents and interviewing the candidates. When the Board was set to declare the result of selected candidates for appointment to the post of Primary Teachers, the present writ petition is filed praying that before declaring the result, credential of each of the candidates should be verified and also technical verifications be made before making the

appointment.

Mr. Hooda, learned Senior Advocate appearing on behalf of the Board submits that the entire results are ready for declaration.

Counsel for the petitioner has reiterated that the results may be declared after comparing scientifically the signatures/thumb impressions, photographs, signatures on the OMR sheet by the State.

Counsel for the State, Mr. Vinod S. Bhardwaj, Additional Advocate General on instructions from Mr. D.R. Kairon, HCS, Additional Director Primary Education states that before issuing the appointment letters to the selected candidates necessary verifications would be conducted in respect of each of the candidates.

In view of the above, there is no further grievance of the petitioner which survives in this petition. The fear of the petitioner of appointment of ineligible candidates stands removed.

Accordingly, we permit the respondent No.2- Board to declare the result of Primary Teachers and issue appointment letters only after verifying antecedents of each of the candidates and after making scientific verification as available.

The writ petition stands disposed of with the above directions. “

The impugned orders have been passed owing to the fact that the petitioners were engaged in violation of the departmental instructions/policy. This Court cannot remain oblivious of the fact that the matter pertaining to the termination of Guest

Faculty teachers PGT and TGT in rest of Haryana and Mewat came up for consideration before this Court and the State of Haryana suffered a statement that all the Guest Faculty Teachers in rest of Haryana and Mewat shall continue to work till the process of regular recruitment, already initiated, is completed. However, the services of the surplus Guest Faculty Teachers were dispensed with, in view of the affidavit filed by the State. The aforementioned surplus teachers challenged the termination order in this Court and the same was also upheld and the writ petitions were dismissed.

Mr. Hitesh Pandit, Additional Advocate General, Haryana submits that till date out of 9460 applications the scientific verification of 5200 has already been done and Forensic Science Laboratory, Madhuban would require another three months to complete the process and till the process is not completed, since the petitioners are working owing to the interim order, their services shall not be terminated as has been done in the previous case. The period of three months, in my view is too long period for undertaking the exercise of almost 4,260 applicants. The present writ petition is disposed of with the following directions:-

- i) The State of Haryana would make endeavour to complete the exercise of scientific verification within a period of 10 (ten) weeks and thereafter shall issue appointment letters to the regular selected candidates.
- ii) Till the aforementioned exercise is undertaken and completed the petitioners who are stated to

be working in view of the interim order, their services shall not be dispensed with. It is made clear that the moment State completes the exercise of scientific verification, the services of the petitioners shall deem to have been treated as terminated, in essence, the order of termination is kept in abeyance till the State issue regular appointment letters to the regularly selected candidates.

It is made clear that the said order will only be applicable to the petitioners who have approached this Court and the benefit of interim direction will not enure to the persons whose services have already been terminated by termination order dated 9.2.2015.

It has been brought to the notice of the Court that there are few other Guest Faculty JBT teachers in Mewat who are still working, in essence, their services have not been terminated, their services shall also not be dispensed with in view of the directions contained in **Tilak Raj Vs. The State of Haryana and others in CWP No. 6090 of 2010** upheld by the Hon'ble Supreme Court till the State issues appointment letters to the regularly selected candidates.

It is further directed that the State shall also dispense with the services in the same manner as of the Guest Faculty Teachers by complying with the directions contained in **Tilak**

Raj's case (supra) in rest of Haryana.

The writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

August 5 , 2015
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