

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

**CWP No.3880 of 2015 (O&M)
Date of decision: 04.03.2015**

Himanshu Mittal

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

Present:- Mr. R.K.Malik, Senior Advocate with
Mr. Tej Pal Dhull, Advocate
for the petitioner.

AMIT RAWAL J.

This order shall dispose of six writ petitions i.e. 3880, 3881, 3882, 3883, 3884 and 3885 of 2015. Since the grievance of the petitioners in all the writ petitions is identical, the same are being decided by a single order.

The petitioner in CWP No.3880 of 2015 was appointed as Lecturer in Computer Science in the Government College for Women in the year 2008. However, the qualifications for the post of Lecturer have been prescribed in the letter dated 26.8.2008 (Annexure P-1) issued by the Higher Education Commissioner, Haryana, Chandigarh to all the Principals of Government Colleges situated in the State of Haryana, whereby the qualification of Guest Faculty for the subject of

Computer Science, Physics and Fine Arts having the P.G.Degree in the the relevant subject and in the absence of non-availability of NET/M.Phil/Ph.D, candidates be appointed as Guest Faculty Lecturer.

It is stated that all the petitioners who have been appointed acquired qualification after their appointment. The details of the petitioners are given herein under:-

Sr. No.	Name of the petitioner	Date of appointment	Date of acquired Qualification
1	Himanshu Mittal	13.9.2008	30.03.2009
2	Varsha Bansal	24.7.2008	24.05.2009
3	Mansa Rani	24.7.2008	01/06/10
4	Monika Grover	01/08/08	16.02.2009
5	Monika Kumari	25.8.2008	June, 2009
6	Manoj Bala, Navita, Jyotsana Goel, Vanita Saini, Kusum Lata, Pinkey, Deepti, Anil Saini, Rajni Sharma	24.7.2008, 25.7.2008, 1.8.2008, 1.8.2008, 26.7.2008, 25.7.2008, 12.8.2008, 12.08.2008 and 1.8.2008 respectively	18.2.2009, 25.3.2009, 10.6.2009, 1.4.2009, October, 2008, October, 2008, October, 2008, 26.09.2008 and March, 2009 respectively.

The petitioners are claiming regularization on the basis of the policy and notification dated 16.6.2014/20.6.2014 (Annexure P-5) issued by the Haryana Government, General Administration Department which pertained to the regularization policy for Group 'B' employees appointed and engaged on contract basis. As per condition (i) of the policy, the person eligible for regularization should have worked for not less less than three years as on 28.05.2014. The

case of the petitioners is that from the date of acquisition of higher qualifications, they have rendered more than five years of service and yet they have not been regularized. The petitioners are stated to have sent detailed legal notices dated 27.10.2014 (Annexure P-10 in CWP No.3880 of 2015), 20.09.2014 (Annexure P-3 in CWP No,3881 of 2015), 18.11.2014 (Annexure P-4 in CWP No. 3882 of 2015), 20.09.2014 (Annexure P-9 in CWP No. 3883 of 2015), 20.09.2014 (Annexure P-9 in CWP No. 3884 of 2015) and 06.10.2014 (Annexure P-8 in CWP No. 3885 of 2015) to the Additional Chief Secretary Government of Haryana as well as Director General, Higher Education, Haryana, claiming the regularization in the light of the policy decision dated 16.06.2014.

It has been stated that despite the receipt of the legal notices, the respondents have not taken any decision either rejecting or accepting the claim of the petitioners.

Mr. R.K.Malik, learned Senior counsel assisted by Mr. Tej Pal Dhull, Advocate for the petitioners submits that his clients would be satisfied, in case, an appropriate direction is issued to respondent No.1-Additional Chief Secretary to Government of Haryana, Higher Education Department, Chandigarh, who is stated to be Competent Authority to decide the detailed legal notices stated to have been sent whereby the petitioners have claimed regularization by giving the complete details of the policies, much less, the case law and as well as acquisition of the qualifications.

The prayer made by learned Senior counsel is just, legal and fair and, therefore, I deem it appropriate to direct respondent No.1, who is Competent Authority to decide aforementioned legal notices sent by the petitioners pragmatically by dealing with all the points raised in the legal notices, as well as the law laid down by the Hon'ble Supreme Court and as well as by this Court in CWP No.6090 of 2010 titled as **Tilak Raj vs. State of Haryana and others**, decided on **30.03.2011**, within a period of three months from the date of a receipt of certified copy of this order.

In case, the authority decides to grant relief by passing an appropriate order, the order be complied with by granting relief to the petitioners within a further period of two months and in case the authority decides not to give any relief much less, vindicate the grouse of the petitioners, then the petitioners may be communicated the order which should be speaking and detailed one.

With the aforementioned directions, the writ petitions are disposed of.

(AMIT RAWAL)
JUDGE

March 04, 2015
savita