

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

CWP No.15160 of 2016 (O&M)

Date of decision : 29.07.2016

Seema Sharma

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Vijay Pal, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

The basic issue arising for consideration in the instant writ petition is with regard to a methodology being adopted by the respondent/authorities whereby one set of contractual employees is sought to be replaced by another similar arrangement.

Notice in the writ petition.

On the asking of the Court, Mr. Ravi Pratap Singh, learned Assistant Advocate General, Haryana accepts notice. A complete copy of the petition has been furnished to learned State counsel.

In view of the order that I intend to pass, there would be no requirement to seek a written response from the State to the writ petition.

With the consent of the counsel for the parties, the writ petition is disposed of in the following terms:

Petitioner was engaged as an Extension Lecturer in the subject of mathematics purely on contractual basis at Government College, Israna, Panipat in the month of February, 2016. At the end of the academic session, she was relieved in April, 2016. Petitioner is aggrieved by the action of the

respondent/College in having issued an advertisement dated 23.07.2016 at

Annexure P-5 i.e. a notice with regard to walk-in-interview to engage Lecturers to deliver extension lectures in various subjects including that of mathematics and to be engaged again on contractual basis.

It is by now well settled that one contractual/adhoc employee cannot be replaced by another contractual/adhoc employee. However, a contractual engagement in favour of an employee would always be subject to right of the employer to resort to a method of regular appointment. It would also be open for the employer to dispense with the service of a contractual employee, if the work and conduct is found wanting. Furthermore, if there be no requirement of work, it would again be open for the employer to dis-engage the contractual appointee.

During the course of hearing, counsel appearing for the petitioner has very fairly pointed out that even though the petitioner had been engaged as Extension Lecturer in the subject of mathematics, yet she did not possess the requisite qualifications as per UGC Regulations/Guidelines/State Instructions. The essential qualification is for a candidate to have qualified the UGC (NET) Examination and such candidates, who possess a Ph.D. Degree are exempted from UGC (NET).

The instant petition is founded on an apprehension that in pursuance to the advertisement/notice of walk-in-interview at Annexure P-5, the petitioner would be replaced by another contractual employee.

Keeping in view the factual position noticed hereinabove, the present petition is disposed of with the directions that the present petitioner would not be displaced by another contractual employee on the post of Extension Lecturer (mathematics) and who also does not possess the requisite qualifications stipulated by the UGC Regulations/Guidelines/State

Instructions.

It is clarified that it would be open for the respondent/College to engage any other applicant who is qualified for the post in question and it would also be open for the respondent/College not to engage the present petitioner in the light of the eventualities that have already been noticed in the present order hereinabove.

Disposed of.

29.07.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether Reportable? | Yes |