

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

**CWP No.15290 of 2016 (O&M)
Date of Decision: 01.08.2016**

Sadhna Gupta

... Petitioner

Versus

State of Haryana and others

... Respondents

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

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

TEJINDER SINGH DHINDSA, J.(ORAL)

The basic issue arising for consideration in the instant petition is with regard to a methodology being adopted by Dronacharya Government College, Gurgaon whereby one set of contractual employees is sought to be replaced by another similar arrangement.

Pleadings on record would indicate that the petitioner had applied in response to an advertisement and was appointed as Extension Lecturer/Assistant Professor in the subject of Mathematics in August, 2014.

Petitioner had acquired the qualification of M.Phil prior to July, 2009.

Counsel has referred to the decision of the University Grants Commission taken in the 472nd meeting held on 27.09.2010 as per document placed on record at Annexure P-7 and as per which all candidates having M.Phil on or before 10.07.2009 would remain exempted from the requirement of N.E.T. for the purpose of appointment as Lecturer/Assistant Professor. Counsel submits that in the light of such decision at Annexure P-7, there would be no dispute as regards eligibility of the petitioner to

continue on the post of Assistant Professor/Lecturer (Mathematics).

Grievance raised in the present petition is that an advertisement as regards a walk-in-interview had been issued by the respondent College at Annexure P-5 dated 16.07.2016 inviting applications for engagement of Extension Lecturers in various subjects including Mathematics on a contractual basis.

Instant petition is founded on an apprehension that in pursuance to the advertisement (Annexure P-5), the petitioner would be replaced by another contractual employee.

Counsel submits that even though interviews were conducted on 23.07.2016, the result has not been declared till date and as such no fresh applicant has been engaged.

In view of the order that I intend to pass, there would be no requirement of issuing notice to the respondent College and to seek any written response.

It is by now well settled that one contractual employee cannot be replaced by another similar arrangement. A reference in this regard may be made to the judgment of *Hon'ble Supreme Court of India in Hargurpratap Singh Versus State of Punjab and others 2007 (13) SCC 292*. However, a contractual arrangement 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 or reduction of workload, it would again be open for the employer to disengage the contractual appointee.

The instant writ petition is disposed of with the directions that the petitioner would not be replaced by another contractual employee.

It is, however, clarified that it would be open for the respondent College to dispense with and to bring to an end contractual engagement of the petitioner in the light of the eventualities that have been noticed and culled out in this order.

Insofar as the prayers raised in the petition for grant of minimum scale prescribed by UGC is concerned, the issue is left open and liberty is granted to the petitioner to approach respondent authorities in such regard.

Disposed of.

01.08.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No