

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

**CWP No.15297 of 2016 (O&M)
Date of Decision: 01.08.2016**

Dixa and another

... Petitioners

Versus

State of Haryana and others

... Respondents

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

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

TEJINDER SINGH DHINDSA, J.(ORAL)

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

Pleadings on record would indicate that petitioner No.1 was engaged as Extension Lecturer (contractual basis) in the subject of Geography on 16.08.2014 and petitioner No.2 as Extension Lecturer (contractual basis) in the subject of Mathematics on 11.09.2015.

Instant petition is founded on an apprehension that in pursuance to the advertisement for walk-in-interview dated 27.07.2016, the present petitioners would be replaced by another contractual employee.

Counsel for the petitioners has very fairly conceded during the course of arguments that both the petitioners otherwise do not possess qualifications for the post of Extension Lecturers as laid down by the University Grants Commission (UGC).

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.

Keeping in view the factual position noticed hereinabove, the present petition is disposed of with the directions that the present petitioners would not be displaced by a contractual arrangement in the subject of Mathematics and Geography and by candidates who also do 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 as Extension Lecturer (Geography) and Extension Lecturer (Mathematics) by applicants who are qualified for the post in question and it would also be open for the respondent College not to engage the present petitioners in the light of the eventualities that have already been noticed and culled out in the order hereinabove.

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 petitioners 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