

**IN THE HIGH COURT OF HARYANA AND HARYANA AT
CHANDIGARH**

**CWP No.16975 of 2014
Date of decision:29.7.2016**

Mrs. Rita Tandon

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ranjivan Singh, Advocate,
in CWPs No.16975 of 2014, 20087, 19502, 19504, of 2015
Mr. Sat Narain Yadav, Advocate,
in CWPs No.14328, 14294 , 15032 of 2016
Mr. Anmol Partap Singh Mann, Advocate,
in CWP No.14347 of 2016
Mr. Shakti Kaushik, Advocate,
in CWP No.14351 of 2016
Mr. Munish Rai, Advocate, for
Mr. Pardeep Kumar Rapria, Advocate,
in CWP No.22680 of 2015
Mr. SS Malik, Advocate,
in CWP No.14692 of 2016
Mr. K.S. Yadav, Advocate,
in CWP No.14949 of 2016
Mr. Dalbir Singh, Advocate,
in CWP No.15075 of 2016
Mr. Atul Yadav, Advocate,
in CWP No.15114 of 2016
Mr. Vijay Pal, Advocate,
in CWP No.15157 of 2016
Mr. Jasbir Mor, Advocate,
in CWP No.15159 of 2016
Mr. JP Jangu, Advocate,
in CWP No.15163 of 2016
for the petitioner(s).

Mr. Harish Rathee, Sr. DAG, Haryana.
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of the above-mentioned case as
well as other connected writ petitions* tabulated at the foot of the order,

as common questions of law and fact are involved in them which can conveniently be decided by a common order.

2. Having regard to the orders passed in CWP No.9300 of 2015 (**Mrs. Menka and ors. v. State of Haryana and ors.**) decided on May 5, 2016 and the orders passed by the Coordinate Bench in CWP No.14732 of 2014 (**Baljeet Singh & anr. v. State of Haryana & ors.**) pronounced on September 16, 2014, vide which the petition filed by similarly placed extension Lecturers was dismissed on the premises that the services of Extension Lecturers are not engagements on contract unlike in the cases of Guest Faculty Lecturers who are bound by contracts in writing and therefore, Extension Lecturers have no claim as a matter of right not to be replaced by a similar arrangement. Having considered the two judgments and orders handed down and having heard the learned counsel for the respective parties in this bunch of cases, the petitions are disposed of with the following directions:-

(1) Those of the petitioners who are engaged as Extension Lecturers but are not NET qualified are open to be replaced by Extension Lecturers who are NET passed candidates. In case, NET qualified candidates are not available in response to the advertisements inviting applications for Extension Lecturers, to the extent of vacancies notified, then the petitioners, who do not possess NET certificates, will have a right to continue as Extension Lecturers provided their work, conduct and performance is satisfactory. Those petitioners, who are not NET qualified but falling within the deficit/shortfall of advertised vacancies will not be replaced by a similar arrangement till direct recruitment is made and

regular candidates are available for joining the post. However, in cases, where the NET qualified candidates are available to fill all the vacancies required to be filled from amongst Extension Lecturers then it will be open to the Government to engage the petitioners who are NET qualified to the exclusion of others.

(2) There is no gainsaying that both Guest Faculty Lecturers on contract basis and Extension Lecturers (with or without NET) who are not bound by contracts in writing, their rights would remain subservient to open merit regular recruitment and can be replaced as and when regular recruitment is made or when their work and conduct is not found up to the mark and reasons therefor are furnished and engagements to be discontinued will be without casting any stigma on their work and conduct so that their future employment to public service under the State is not imperilled. In other words, they will not be disadvantaged by mere fact of disengagement either by replacement theory amongst NET qualified candidates or when their work and conduct is found short of standards required to be maintained in colleges.

(3) That apart, the stand taken in the written statement filed by the State will be taken as undertaking to this Court. Mr. Harish Rathee Learned Sr. DAG, Haryana has assured this Court that the process of engagement or replacement shall remain absolutely transparent without any tinge of bias or unfair discrimination within the homogenous group. Grievances, if any, in the working of this system may be brought to the notice of the Education Department, where their grievances can be settled expeditiously, failing which, it will be open to the petitioners to present

applications in the disposed of matters for further orders and in case Court interference is found necessary to restore the balance of justice equitably.

(4) In cases, where disengagements/cessation of work have taken place and NET qualified Extension Lecturers are not available, Government would consider their cases for recall in the current/next session, as the case may be. In this regard, decisions be taken without any delay and preferably within 7 days of the petitioners bringing their grievances to the notice of the College-authorities.

(5) So far as remuneration is concerned, the State would be bound by the directions issued in CWP No.9300 of 2015 (supra) which entitles them to salary for the vacation period and remuneration @ ₹ 1000/- per lecture subject to a maximum of ₹ 25000/- per month. These directions will remain subject to the appeal filed by the State of Haryana in cases mentioned in para. 2 above. It is understood that those UGC guidelines which apply to the colleges would be honoured, obeyed and kept in mind to the extent they prescribe in running the educational institutions.

(RAJIV NARAIN RAINA)

JUDGE

29.7.2016

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Sr. No.	Case No.	Parties Name
1	CWP-20087-15	KRISHAN KUMAR V/S STATE OF HARYANA & ORS.
2	CWP-14328-16	MAYA DEVI & ORS. V/S STATE OF HARYANA & ORS
3	CWP-14347-2016	BALWINDER KAUR AND ORS. V/S STATE OF HARYANA & ORS

Sr. No.	Case No.	Parties Name
4	CWP-14294-2016	SUSHMA AND ORS V/S STATE OF HARYANA & ORS.
5	CWP-14351-2016	ANU KAUSHIK & ANR. V/S STATE OF HARYANA & ORS.
6	CWP-14692-2016	RITU SANDHUV/S STATE OF HARYANA & ORS.
7	CWP-19502-15	KIRAN BALA V/S STATE OF HARYANA & ORS.
8	CWP-19504-15	ASHOK KUMAR V/S STATE OF HARYANA & ORS.
9	CWP-22680-2015	PARVESH KUMARI V/S THE STATE OF HARYANA & ORS.
10	CWP-14949-2016	NEELAM SHARMA V/S STATE OF HARYANA & ORS
11	CWP-15032-2016	SAROJ KUMARI & ORS V/S STATE OF HARYANA & ORS.
12	CWP-15075-2016	RAVINDER & ORS V/S STATE OF HARYANA & ORS.
13	CWP-15114-2016	EKTA & ORS V/S STATE OF HARYANA & ORS
14	CWP-15157-2016	GAURAV BHARDWAJ V/S STATE OF HARYANA & ORS.
15	CWP-15159-2016	SUMAN RANI & ORS. V/S STATE OF HARYANA & ORS.
16	CWP-15163-2016	ANJALI & ORS. V/S STATE OF HARYANA & ORS.

(RAJIV NARAIN RAINA)
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Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No