

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 15398 of 2016 (O&M)

Date of Decision: 02.08.2016.

Lalita

--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

The issue arising for consideration in the instant writ petition is with regard to a methodology being adopted by the respondent-Government P.G. College, Gohana, District Sonapat whereby one set of contractual employees is sought to be replaced by another similar arrangement.

Pleadings indicate that the petitioner was engaged as Extension Lecturer purely on contractual basis in the subject of Physics in July, 2014.

The present petition is founded on an apprehension that in pursuance to an advertisement dated 16.07.2016 at Annexure P-5, the petitioner would be replaced by another set of contractual employee.

During the course of hearing, counsel has very fairly stated that the petitioner does not possess the essential qualifications for the post and as prescribed by the University Grants Commission (UGC).

In view of the order that I intend to pass there would be no requirement for issuing notice and seeking written response from the State/College to the writ petition.

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.

The present writ petition is disposed of with a direction that the petitioner would not be displaced by another contractual employee on the post of Extension Lecturer, Physics and who also does not possess requisite qualifications stipulated by the UGC Regulation/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 to bring to an end the contractual engagement of the petitioner in the light of the eventualities that have already been culled out and noticed in this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.08.2016

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Whether speaking/reasoned: Yes

Whether Reportable: No