

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

***CWP No.15785 of 2016 (O&M)
Date of decision : 04.08.2016***

Sushma Rani

....Petitioner

Vs.

State of Haryana and others

....Respondents

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

Present: Mr. Vishwajeet Mehla, 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 College for Women, Karnal whereby one set of contractual employees is sought to be replaced by another similar arrangements.

Pleading indicate that the petitioner was engaged as Extension Lecturer purely on contractual basis in the subject of Punjabi on 07.02.2014.

The present petition is founded on an apprehension that in pursuance to an advertisement dated 19.07.2016 at Annexure P-2, the petitioner would be replaced by another contractual employee.

During the course of hearing, counsel has very fairly stated that the petitioner does not possess the essential qualification of PhD/NET qualified as prescribed for the post.

In view of the order that I intend to pass, there would be no requirement for issuance of 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 disengage 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 (Punjabi) and who also does not possess the requisite qualifications stipulated by the U.G.C. 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.

Since counsel has apprised the Court that interviews in pursuance to the advertisement dated 19.07.2016 (Annexure P-2) have already been conducted on 25.07.2016, the benefit of this order would

enure to the petitioner only if no other contractual engagement has already been effected on the post of Extension Lecturer/Resource Person (Punjabi) in pursuance to the interview conducted on 25.07.2016.

Disposed of.

04.08.2016

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**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |