

**Sr. No. 119
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.16048 of 2016 (O&M)
Date of Decision: 09.08.2016**

Anup Kumari and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Mukesh Yadav, Advocate,
for the petitioners.

TEJINDER SINGH DHINDSA, J.(ORAL)

The basic issue arising for consideration in the instant writ petition is with regard to a methodology being adopted by the Government Post Graduate College (Boys) Mahendergarh whereby one set of contractual employees is sought to be replaced by another similar arrangement.

Notice in the writ petition.

On the asking of the Court, Mr. Ravi Pratap Singh, learned Assistant Advocate General, Haryana accepts notice. A complete copy of the writ petition has been furnished to learned State counsel.

In view of the order that I intend to pass, there would be no requirement to seek a written response to the writ petition.

With the consent of the counsel for the parties, the writ petition is disposed of in the following terms:

Petitioners herein were engaged as Lecturers in the subject of Chemistry purely on contractual basis in Government Post Graduate College (Boys) Mahendergarh in the month of September, 2014.

Petitioners are now aggrieved by the action of the respondent/

College whereby an advertisement dated 27.07.2016 (Annexure P-6) has been issued inviting applications for engaging Resource Persons to deliver need-based extension lecturers in various subjects including Chemistry. Apprehension is that the petitioners would now be replaced by another set of contractual appointees.

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.

During the course of hearing, counsel appearing for the petitioners has very fairly pointed out that even though the petitioners had been engaged as Extension Lecturers in the subject of Chemistry, yet they do not possess the requisite qualifications as per UGC Regulations/Guidelines/State Instructions.

Keeping in view the factual position noticed hereinabove, the present writ petition is disposed of with the directions that the present petitioners would not be displaced by another set of contractual employees and 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 in pursuance to the advertisement dated 27.07.2016 (Annexure P-6) and who is 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 and parametres that have already been noticed and culled out in the present order hereinabove.

Disposed of.

09.08.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No