

**Sr. No. 111
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.19971 of 2016 (O&M)
Date of Decision: 24.09.2016**

Kavita

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Ramesh Sharma, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

The basic issue arising for consideration in the instant petition is with regard to a methodology being adopted by respondent No.4-C.M.G. Government College of Women, Village Bhodia Khera, District Fatehabad, Haryana whereby one set of contractual employees is sought to be replaced by another similar arrangement.

Counsel would submit that the petitioner was engaged as Extension Lecturer (Hindi) in the respondent College in the year 2011. It is further categorically submitted that the petitioner has worked till the end of the last academic session i.e. 2015-2016.

Petitioner had acquired the qualification of M.Phil prior to July, 2009.

Counsel has referred to the decision of the University Grants Commission taken in the 472nd meeting held on 27.09.2010 as per document placed on record at Annexure P-5 and as per which all candidates having M.Phil on or before 10.07.2009 would remain exempted from the

requirement of N.E.T. for the purpose of appointment as Lecturer/Assistant Professor. Counsel submits that in the light of such decision at Annexure P-5, there would be no dispute as regards eligibility of the petitioner to continue on the post of Assistant Professor/Lecturer (Hindi).

Grievance raised in the present petition is that an advertisement as regards a walk-in-interview had been issued by the respondent College at Annexure P-7 in the month of July, 2016 inviting applications for engagement of Extension Lecturer in various subjects including Hindi on a contractual basis. As per advertisement, the interviews were slated for 27.07.2016. Counsel contends that till date no contractual engagement as Extension Lecturer (Hindi) in pursuance to the advertisement at Annexure P-7 has taken place.

Instant petition is founded on an apprehension that in pursuance to the advertisement (Annexure P-7), the petitioner would be replaced by another contractual employee.

Counsel for the petitioner has been heard at length.

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.

Accordingly, the instant writ petition is disposed of with the directions that the petitioner would not be replaced by another contractual employee.

It is, however, clarified that it would be open for the respondent College to dispense with and to bring to an end the contractual engagement of the petitioner in the light of the eventualities that have been noticed and culled out in this order. Further clarified that the benefit of this order would enure to the petitioner only if the assertion made by counsel is correct that the petitioner had served till the end of the last academic session i.e. 2015-2016. Still further the benefit of this order would not extend to the petitioner in the eventuality of some other contractual employee having already been engaged as Extension Lecturer (Hindi) in pursuance to the interviews that were conducted on 27.07.2016.

Petition disposed of.

24.09.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No