

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.777 of 2015 (O&M)

Date of Decision: 24.05.2016

Ritu & Ors.

... Appellants

VS.

State of Haryana & Anr.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE A.B. CHAUDHARI**

Present: Mr. Jagbir Singh, Advocate for
Mr. Ramesh Hooda, Advocate for the appellants

Mr. DS Nalwa, Addl. AG Haryana

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 12.02.2015 whereby learned Single Judge has dismissed the appellants' writ petition in which they had challenged the order of termination of their services as Guest Teachers on the ground that they did not possess the requisite subject combinations, namely, the requisite qualification prescribed for appointment as Teachers.

(2) Learned Single Judge has dismissed the appellant's writ petition summarily on the ground that being Guest Teachers they have no right to continue as they were retained in service till regular appointments are to be made and that they were not eligible for the post as they did not possess the requisite qualification.

(3) On the other hand, the case of the appellants is that subsequently they have qualified in additional subjects and they fulfill the condition of subject combination also, hence are eligibility for the subject posts.

(4) Meanwhile, a Division Bench of this Court in **LPA No.1391 of 2015 (Sunil Kumar & Ors. vs. State of Haryana & Ors.)** and other connected appeals decided on 13.05.2016, has rejected the claim of all the Guest Teachers, for continuation in service who were declared surplus.

(5) True that on the analogy of the cited decision in **Sunil Kumar and others** case, the appellants cannot seek continuation in service as a matter of right, however, their plea that subsequently they have acquired additional qualification and now fulfill the eligibility condition of subject combination, also merits consideration.

(6) In this view of the matter, the tag of they being disqualified can no longer be attached. It is thus directed that as and when the respondent-authorities would make appointments whether regular or on contract basis, the eligibility of the appellant(s) shall be considered in the light of the additional qualification(s) said to have been acquired by them.

(7) The order of learned Single Judge to the extent above shall stands modified.

(8) Disposed of.

(Surya Kant)
Judge

24.05.2016
vishal shonkar

(A.B. Chaudhari)
Judge