

**CWP-21829-2016 (O&M)**

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**225 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-21829-2016 (O&M)**

**Date of Decision : 09.05.2017**

Sangeeta

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. Raghav Sharma, Advocate  
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Vikrant Narula, Advocate  
for respondent No. 4.

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**AJAY TEWARI, J. (Oral)**

By this petition the petitioner has challenged the action of the respondents in terminating her services and appointing the respondent No.4 as Extension Lecturer in her place.

Brief facts of the case are that the petitioner was appointed as an Extension Lecturer in the year 2014 and continued till March 2016. Thereafter when the official respondents issued a fresh advertisement the petitioner challenged it by filing a civil writ petition bearing CWP No. 14534-2016 and that petition was disposed of by judgment and order (Annexue P-1) dated 08 August, 2016 wherein direction was issued to the Director to consider the case of the petitioners sympathetically. Para 5 of

the judgment is as follows:

*"Nevertheless, the recall of the order and dismissal of the main petition will not preclude the petitioners from approaching the Director Higher Education, Haryana for seeking their re-engagements, in case they have done good teaching work as Extension Lecturers and are Net qualified. In case, they are not Net qualified and the College in which they taught on lecture basis does not have Net qualified Guest Faculty teachers or regular teachers then their cases may be considered sympathetically to permit the arrangement to continue for the time being. This Court expects that the Director Higher Education if approached will take care of both the interests of the petitioners, the College and the students, in the overarching dilemma of scarcity of jobs from where sustenance and livelihoods come. Suffice it to say, that if such a request is made it will be decided expeditiously and during the current session."*

The grouse of the petitioner is that thereafter she moved a representation bringing out that 3 similarly situated persons as her (who had also not attained the qualification of NET) had not only been appointed but were allowed to continue. However, her representation was not decided and instead respondent No.4 was appointed. She has consequently prayed that the appointment of the respondent No.4 be set aside and she be appointed in her place.

The stand of learned counsel for respondent No. 4 on the other hand is that the petitioner was not qualified while respondent No.4 was fully qualified and even in the judgment of the petition filed by the petitioner it had been specifically stated that her case would have to be sympathetically considered only in the event when there will be no qualified or eligible

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person available. Since respondent No. 4 was fully qualified and eligible and was available, the petitioner could not challenge her appointment. This argument has been taken by the State also.

In my opinion, the stand of the respondents is more weighty. Once it is accepted that petitioner was not qualified and eligible and on the other hand respondent No.4 was qualified and eligible the petitioner would have no preferential claim even if she had been continuing on contract basis.

Petition stands dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

**May 09, 2017**  
**anuradha**

**( AJAY TEWARI )**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No