

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

**CWP No. 28180 of 2017
Date of decision: 13.12.2017**

Surender Singh and Others

...petitioners

Vs.

State of Haryana and Others

...respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Anurag Goyal, Advocate for the petitioners.

AMOL RATTAN SINGH, J.(ORAL)

By this petition, the petitioners are aggrieved of the letter dated 07.12.2017 issued by the Director Elementary Education, Haryana, to all District Elementary Education Officers in the State of Haryana, conveying therein that a decision has been taken by the Government in “Public Interest”, by relaxing the conditions mentioned in the instructions dated 08.05.1991, to appoint low merit and relieved surplus guest teachers on purely ad hoc basis and therefore, in terms of the aforesaid decision, such teachers at the primary level (PRTs/JBTs), as also “released” guest teachers be appointed on ad hoc basis as per the priority given in the aforesaid communication itself.

Mr. Goyal, learned counsel for the petitioners, points out that this Court in its interim order dated 13.10.2017, passed in CWP No. 23763 of 2017, had directed that all regularly selected teachers would have a prior right to be posted to the stations of their choice, regardless of guest teachers/extension lecturers etc. working on those posts at specific colleges, and it is only after accommodating the regularly appointed teachers

accordingly, that guest teachers and extension lecturers etc. would be appointed to the remaining posts at different schools and colleges (as the case may be), wherever work was available for them.

He further submits that in fact, thereafter, similar matters have been disposed of vide a judgment passed in CWP No. 17240 of 2016 on 10.11.2017 (copy annexure P-10), eventually directing the respondents to consider the case of the petitioners in those petitions afresh, for the benefit of inter-district transfers “without being fettered by the vacancy position which is consumed by the guest faculty teachers”. Thus, preference is to be given to “regular appointees” who were being wrongly denied consideration for inter-district transfers on account of the policy of the Government dated 06.08.2015, by which guest faculty was given a preference of appointment and place of teaching.

Mr. Goyal further refers to the order of the Supreme Court in Naresh Kumar and others Vs. State of Haryana and others in SLP (Civil) 5956 of 2012, by which another such judgment of this Court, giving preference to regular appointees over guest teachers, was upheld. A copy of that judgment has also been annexed with the petition.

Keeping in view the above, this petition is disposed of with a direction to the respondents to ensure compliance of all the aforesaid orders of this Court, and while implementing the impugned letter dated 07.12.2017, it shall be ensured that all persons who are to be benefited by the Governments' decision as depicted in the aforesaid communication, would be given appointments, only after all regularly appointed teachers are given postings as per their preference.

Of course inter-se regularly appointed teachers, preference

would be given to each individual in terms of the marks he/she has obtained as per the policy in that regard. That is to say, at the cost of repetition, that all those who are to be benefited by the instructions dated 07.12.2017 would be given such benefits only after accommodating all regularly appointed teachers at the places of their choice of postings and thereafter, subject to work being available, appointments of those who are proposed to be given such appointments, shall be given at the remaining places (where work is available for them).

This order shall be given immediate effect.

It may be noticed that though notice has been issued in this petition to the respondent State, the prayer made being actually for quashing the impugned letter dated 07.12.2017, but this Court having directed that preference be given to regularly appointed teachers as regards places of postings, as per the earlier judgements and orders passed in that respect in different writ petitions, and in any case regularly appointed employees having a preferential right over employees appointed on ad hoc basis, no notice was considered necessary to be issued on such a basic principle.

A copy of this order be given to Mr. R.K. Doon, Assistant Advocate General, Haryana, who is present in Court, for immediate conveyance to the respondent Government.

December 13, 2017

Poonam (II)

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned:

Yes

Whether reportable:

Yes