

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19434-2017

Date of decision: 02.08.2018

Deepak Kumari and others

...Petitioners

V/s.

Chaudhary Bansi Lal University Bhiwani and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Sajjan Singh, Advocate for the petitioners.

Mr. Kuldeep Tiwari, Advocate for the respondents.

RITU BAHRI, J. (Oral).

The petitioners are seeking directions to the respondents not to replace them by another set of contractual Assistant Professors and also seeking quashing of advertisement dated 24.08.2017 (Annexure P-4) whereby walk in interview for the post of Assistant Professor (Guest Faculty) has been held.

The case of the petitioners is that they were appointed pursuant to the advertisement (Annexure P-1) as Guest Faculty in the year 2014. Notice of motion was issued by observing that the petitioners had qualified the National Eligibility Test (NET) or the test conducted by the Council of Scientific and Industrial Research (CSIR) and interim order was passed that the posts advertised as per Annexure P-4, shall not be filled in and the petitioners will not be relieved also till the next date of hearing.

On notice, the stand taken by the respondents in the written statement is that as per Haryana policy, there is a condition 'e' which prescribes that 'Guest Teachers may be appointed initially for a period not exceeding one academic term which could be renewed after each term with

the total tenure of appointment of an incumbent not exceeding 3 years' and that is why fresh advertisement has been issued and there is no challenge to this policy (Annexure R-2) in the present writ petition.

After hearing learned counsel for the parties, this writ petition deserves to be allowed. This Court in ***CWP No. 9300 of 2015 titled Menka and others V/s. State of Haryana and others, decided on 05.05.2016***, while examining the issue of replacement of Guest Teacher by another set of Guest Teacher has referred to a judgment passed by the Supreme Court in the case of ***Rattan Lal V/s. State of Haryana , Civil Appeal No. 4600 of 1985, dated 16.08.1985*** and the judgment passed by this Court in the case of ***Dr. Pushpa Devi and others V/s. BPS Mahila Vishwavidyalaya and others, passed in CWP No. 2372 of 2011, decided on 04.10.2013*** where Guest Lecturers appointed in different subjects, a direction was given to the respondents to grant the petitioners remuneration @ Rs. 100/- per lecture subject to a maximum of Rs.25,000/- per month. Keeping in view the selection of the Guest Teacher has been made by a selection committee, they were held to be entitled for a minimum pay scale and Guest Faculty was directed to continue to work till regular selection is made.

In the present case, the petitioners have been appointed as Guest Faculty as per advertisement (Annexure P-1) and they were appointed as per walk in interview conducted by a selection committee of the University. Hence, they have participated in the process and thereafter working since 2014.

Keeping in view the judgment passed in ***Menka's case (supra)***, this writ petition is allowed and advertisement dated 24.08.2017 (Annexure

P-4) is set aside and the petitioners will continue to work till regular selection is made and would be granted minimum pay of Rs.25,000/- p.m. or Rs.1,000/- per lecture. They will also be entitled for vacation salary and and they will be bound by the terms and conditions of their appointment letters. They can be terminated if the regular selection is made or their work is not found satisfactory.

02.08.2018

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No