

216 (15 cases) + 107

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

Date of Decision: 28.08.2019

1. COCP No.1232 of 2018

Bharat Kumar and others

Petitioners

Versus

Dheera Khandelwal, IAS, Additional Chief Secretary, Education
Department, Haryana and another

Respondents

**2. CM No.4709-CII-2019 in/and
COCP No.1233 of 2018 (O&M)**

Sandeep Kumar and others

Petitioners

Versus

Dheera Khandelwal, IAS, Additional Chief Secretary, Education
Department, Haryana and another

Respondents

3. COCP No.1513 of 2018

Vijender Pal and others

Petitioners

Versus

Rajnarayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

4. COCP No.3134 of 2018

Devender Kumar and others

Petitioners

Versus

Rajnarayan Kaushik, Director, Elementary Education, Panchkula

Respondent

5. COCP No.2521 of 2019

Lokesh Kumar and others

Petitioners

Versus

Raj Narayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

6. COCP No.2519 of 2019

Sanjay Kumar

Petitioners

Versus

Raj Narayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

**7. CM No.8870-CII-2019 in/and
COCP No.576 of 2019 (O&M)**

Dharmender Singh and others

Petitioners

Versus

Dushmanta Kumar Behra, Director, Elementary Education, Haryana,
Panchkula

Respondent

8. COCP No.2225 of 2018

Kanwarpal and others

Petitioners

Versus

Rajnarayan Kaushik, IAS, Director, Elementary Education, Haryana,
Panchkula

Respondent

**9. CM No.8885-CII-2019 in/and
COCP No.1063 of 2018 (O&M)**

Yoginder and others

Petitioners

Versus

Rajnarayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

10. COCP No.1146 of 2018

Sunil Kumar

Petitioner

Versus

Raj Narayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

11. COCP No.1153 of 2018

Anand Kumar

Petitioner

Versus

Raj Narayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

12. COCP No.1154 of 2018

Sandeep Kumar

Petitioner

Versus

Raj Narayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

13. COCP No.1155 of 2018

Mam Raj

Petitioner

Versus

Raj Narayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

14. COCP No.1156 of 2018

Vinod Kumar and others

Petitioners

Versus

Raj Narayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

15. COCP No.1770 of 2018

Sudhir and another

Petitioners

Versus

Rajnarayan Kaushik, Director, Elementary Education, Haryana,
Panchkula

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.K. Nehra, Advocate
for the petitioners [in COCP Nos.1232 and 1233 of 2018].

Mr. Sant Lal Barwala, Advocate
for the petitioners [in COCP Nos.1513 and 3134 of 2018].

Mr. Manoj Tanwar, Advocate
for the petitioners
[in COCP No.1146, 1153, 1154, 1155, 1156 of 2018 and,
2521, 2519 of 2019].

Mr. Anurag Goyal, Advocate
for the petitioners
[in COCP No.1063, 2225 of 2018 and 576 of 2019].

Mr. Sansar Kundu, Advocate
for the petitioner [in COCP No.1770 of 2018].

Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

AVNEESH JHINGAN, J (Oral):

These 15 contempt petitions have been filed pleading wilful disobedience of order of this Court, detail of which is tabulated as under:-

Sr. No.	COCP Number	Order Dated	Writ Petition Number
1.	1232 of 2018	23.05.2017	26522 of 2016
2.	1233 of 2018	30.05.2017	9129 of 2017
3.	1513 of 2018	27.11.2017	26394 of 2016
4.	3134 of 2018	10.11.2017	26461 of 2016
5.	2521 of 2019	10.11.2017	5781 of 2017
6.	2519 of 2019	10.11.2017	13505 of 2017
7.	576 of 2019	13.12.2017	28180 of 2017
8.	2225 of 2018	10.11.2017	26653 of 2016
9.	1063 of 2018	10.11.2017	26431 of 2016
10.	1146 of 2018	10.11.2017	17242 of 2016
11.	1153 of 2018	10.11.2017	17240 of 2016
12.	1154 of 2018	10.11.2017	17241 of 2016
13.	1155 of 2018	10.11.2017	17252 of 2016
14.	1156 of 2018	10.11.2017	26696 of 2016
15.	1770 of 2018	10.11.2017	26431 of 2016

Since the facts involved in these contempt petitions are similar, these are being disposed of by a common order. For convenience, facts are being taken from COCP No.1232 of 2018. The contempt petition was filed pleading wilful disobedience of order dated 23.05.2017 passed by this Court in CWP No.26522 of 2016 which was disposed of in the same terms as CWP No.10348 of 2017. The relevant portion of the order passed in CWP No.10348 of

2017 is reproduced below:-

“In the circumstances, the learned Assistant Advocate General states that she has instructions that the State will examine the claims of the present petitioners and persons who were selected in subsequent selection and to ensure that nobody is presented with a fait accompli any appointment or placement which is now made shall be provisional and subject to final placement which will be made in due course. In this view of the matter the present petition is disposed of at this stage.”

Reply has been filed today in the Court by way of affidavit of the Director Elementary Education, Haryana in one of connected contempt petition bearing COCP No.832 of 2018, same is adopted in present petitions. It has been stated that Government has taken a decision that posts of guest and *ad hoc* teachers are being treated as vacant posts.

Learned counsel for the petitioners states that in view of reply filed, no cause of action survives.

The contempt petitions are disposed of as infructuous. There is no doubt that necessary steps for treating the posts of guest and *ad hoc* teachers as vacant posts would be taken by the respondents as expeditiously as possible.

The rule issued against the respondents stands discharged.

**[AVNEESH JHINGAN]
JUDGE**

August 28, 2019

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No