

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 5141 of 2019 (O&M)

Date of decision :11.03.2019

Rashmi

...Petitioner(s)

versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

RITU BAHRI, J. (Oral)CM-3711-CWP-2019

Application is allowed. Govt. College, Sector-1, Panchkula, through its Principal is impleaded as respondent No. 3.

Amended memo of parties is taken on record.

CM-3712-CWP-2019

Application is allowed. Annexure P-6 is taken on record.

CWP-5141-2019

The petitioner is seeking direction to the respondents to allow her to continue as Extension Lecturer and not to replace her on the basis of transfer on the basis of deputation of regular, temporary or contractual teaching faculty.

Learned counsel for the petitioner while referring to the instructions dated 23.11.2007 (Annexure P-6) issued by Higher Education Commissioner, Haryana, states that the Government has decided not to implement the transfer order if received against a vacancy where a guest faculty is working. The petitioner is apprehending that she will be replaced on joining of regularly selected candidate.

Notice of motion.

Ms. Palika Monga, Deputy Advocate General, Haryana accepts notice on behalf of the official respondents.

Without expressing any opinion on the merits of the case, instant petition is disposed of with a direction to respondent No. 3 to allow the petitioner to work till regular appointment is made and she shall not be replaced on the basis of transfer/deputation of regular employee, subject to the condition that her work and conduct is satisfactory. However, if she is relieved, she be taken back into service immediately and further it is made clear that if some new regular candidate joins, she can be relieved on the basis of 'last come first go' in view of *Mrs. Rita Tandon vs. State of Haryana and others, passed in CWP No. 16975-2014, decided on 29.07.2016.*

11.03.2019
Divyanshi

(RITU BAHRI)
JUDGE

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