

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 5698 of 2019
Date of decision :01.03.2019

Ravi Kumar and another	versus	...Petitioner(s)
State of Haryana and others		...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

RITU BAHRI, J. (Oral)

The brief facts of the case are that petitioner No. 1 was appointed as Extension Lecturer in the subject of Commerce on 14.08.2013 in N.M. Govt. College, Hansi. Petitioner No. 2 was appointed as Extension Lecturer in the subject of Commerce on 06.08.2012 with respondent No. 5. Petitioner No. 2 has given her application to the Director General Higher Education, Haryana on 01.02.2019 (Annexure P-8) that she was not granted maternity leave and was not allowed to join after giving birth to a child on 03.03.2017 as per birth certificate dated 26.02.2019 (Annexure P-3).

Both the petitioners are seeking direction that they should be adjusted in the respondents No. 3 and 5-College.

Learned counsel for the petitioners has now referred to a letter dated 28.01.2019 (Annexure P-12) wherein at sr. Nos. 45 and 73, vacancy of Lecturer of Commerce is still available and with respect to petitioner No. 2, at Sr. no. 222, two vacancies of Lecturer of Commerce are available and junior to petitioner No. 2 is still working.

Notice of motion.

Mr. Kiran Pal Singh, Assistant Advocate General, Haryana, accepts notice on behalf of the official respondents.

Keeping in view the vacancy position in the respondents No. 3

and 5-College, where petitioners want to adjust as reflected in letter dated 28.01.2019 (Annexure P-12), this petition is being disposed of giving direction to respondents No. 3 and 5 to consider the case of the petitioners and pass appropriate orders within a period of four months in accordance with law. Separate direction is being given to respondent No. 5 to allow the application for maternity leave of petitioner No. 2 keeping in view the judgment passed by Supreme Court in *Rattan Lal and others V/s. State of Haryana and others, 1987 AIR (SC) 478* and *Raj Bala V/s. State of Haryana and others 2002 (5) SLR 557* and she should be immediately taken back in service in respondent No. 5-College.

01.03.2019

Divyanshi

**(RITU BAHRI)
JUDGE****Whether speaking/reasoned**

:

Yes/No**Whether reportable**

:

Yes/No