

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12344 of 2019
Date of decision: 03.12.2019

Kapil Kumar Saini

....Petitioner

Versus

State of Haryana and others

....Respondents

Coram: Hon'ble Mr. Justice B.S. Walia

Present: Mr.S.K Kaushik, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Dalbir Singh, Advocate for respondent No.4.

B.S. Walia, J. (Oral)

1. Prayer in the writ petition is for the issuance of a writ of Mandamus to direct respondent No.3 to appoint the petitioner as Extension Lecturer (Hindi) being meritorious as well as eligible as per guidelines issued by the UGC/State Government from time to time.
2. Learned counsel contends that vide Annexure P-3 dated 31.12.2018, a communication was issued by the Director Higher Education, Haryana, Panchkula to the Principal, Government College for Women, Sirsa that as per decision of the UGC, the NET certificate of Smt. Sushma who had been allowed to join in the College despite her NET certificate having been cancelled by the UGC had subsequently cleared NET again under the General Category but in the circumstances, it was the petitioner who was to be allowed to work as extension lecturer in Hindi. However due to subsequent eligibility of Mrs. Sushma, she could not be relieved but as per information available at MIS portal, a vacancy was available in the College in Hindi subject, therefore, the Principal, Government College for Women, Sirsa was directed to adjust the petitioner against the said vacancy.

3. Learned counsel further contends that subsequently vide Annexure P-4 dated 11.01.2019 it was clarified that the petitioner was not to be adjusted as displaced extension lecturer but was to be allowed to join afresh in view of his right of merit in the interview held in 2015-16 where he was to be selected in place of Smt. Sushma Devi, who was not eligible at that time. It was also intimated that in case the petitioner was not allowed to join, the matter would be brought to the notice of the controlling authorities of CM window and sole responsibility in that eventuality would be of the college for any adverse action in the matter. Thereafter, vide Annexure P-6 dated 11.4.2019, explanation of the Principal, Govt. College for Women, Sirsa was called for by the Director Higher Education, Haryana as to why the instructions issued by the Director Higher Education for making the petitioner join had not been complied with in true letter and spirit.

4. In the light of the position as noted above, learned Sr. DAG, Haryana states that action would be taken in terms of the communication Annexures P-3 and P-4 within two weeks from the date of receipt of certified copy of this order.

5. The same satisfies learned counsel for the petitioner.

6. In view of the undertaking given by learned Sr. DAG, Haryana, the writ petition is disposed of and is not calling for any further orders at this stage.

December 03, 2019

ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No