

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-16181-2019 (O&M)
Date of Decision:- 3.6.2019

Keshav Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

GURVINDER SINGH GILL, J. (Oral)

The petitioners have approached this Court seeking issuance of a writ in the nature of prohibition/certiorari/mandamus for quashing letter (Annexure P-5) whereby the respondents are contemplating to take over “grant-in-aid staff” of private colleges.

The petitioners are serving as Extension Lecturers in Government Colleges, in the State of Haryana. As per Rule 9 of Haryana Education (College Cadre) Group B Service Rules, 1986, the following modes are prescribed for recruitment to the services:

“ Method of recruitment

9. Recruitment to the Service shall be made-
- (i) by direct recruitment; or
 - (ii) by transfer or deputation of any officer already in the service of any State Government or the Government of India.”

Learned counsel for the petitioners has submitted that the respondents in contravention of the aforesaid Rule propose to fill up vacancies by an all together different mode to the detriment of rights of the petitioners. Learned counsel in this context has drawn the attention of this court to letter dated 8.3.2019 from the Director Higher Education, Haryana, Shiksha Sadan, Sector 5, Panchkula to the President Haryana Colleges Teacher Association (HCTA); College Teachers Association (CTA) and Haryana Private College Non-Teaching Employees Union (HPCNTEU) (Annexure P-5). The said letter reads as under:

“

Subject:- Taking over the grant-in-aid staff of Private Colleges.

Sir,

The Haryana Government proposes to take over the grant-in-aid staff working in Govt. Aided Private Colleges in Haryana and adjust the same in Govt. Colleges of the State.

To take view on the said proposal a meeting is convened on 13.3.2019 at 03:00 p.m. in the Directorate of Higher Education Haryana.

Kindly make it convenient to attend the meeting on 13.3.2019 at 03:00 p.m. alongwith other office bearers/representatives of your Association. You are further requested to submit your representation on the issue on the same day.

Sd/-

Superintendent College-IV
or Director Higher Education, Haryana
Panchkula”

A perusal of the aforesaid letter shows that Haryana Government has merely initiated an exercise to consider the feasibility of taking over “grant-in-aid staff” of private colleges and has not taken any final decision. In fact vide aforesaid letter, a meeting has been convened so as to seek views with regard to the aforesaid matter from the affected quarters.

In view of the aforestated position, when no order has been passed which could affect the rights of the petitioners, and no final decision in the matter pertaining to taking over “grant-in-aid staff” of Private Colleges has been taken, the petition is disposed of with a direction to Additional Chief Secretary to Govt. of Haryana, Higher Education Department, Civil Secretariat, Chandigarh Haryana (respondent No.2) to look into the matter and to ensure that representation dated 17.3.2019 (Annexure P-6) is looked into before any final decision pertaining to taking over of “grant-in-aid staff” of private colleges is taken.

A copy of this order along with copy of representation Annexure P-6 be sent to Additional Chief Secretary to Govt. of Haryana, Higher Education Department, Civil Secretariat, Chandigarh Haryana (respondent No.2) so as to enable him to do the needful expeditiously.

June 3, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No