

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No. 16931_of 2019 (O&M)
Date of Decision.22.07.2019

Anita
Vs
State of Haryana and others

...Petitioner
..Respondents

2. CWP No.15763 of 2019 (O&M)

Sangeeta Rani and others
Vs
State of Haryana and others

...Petitioners
..Respondents

3. CWP No.16932 of 2019 (O&M)

Manisha
Vs
State of Haryana and others

...Petitioner
..Respondents

4. CWP No.16937 of 2019

Sunita Yadav
Vs
State of Haryana and others

...Petitioner
..Respondents

5. CWP No.17266 of 2019 (O&M)

Sanjay Kumar
Vs
State of Haryana and others

...Petitioner
..Respondents

6. CWP No.17379 of 2019 (O&M)

Malkeet Singh
Vs
State of Haryana and others

...Petitioner
..Respondents

7. CWP No.17486 of 2019 (O&M)

Nisha
Vs

...Petitioner

CWP No.16931 of 2019 (O&M)

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State of Haryana and others

..Respondents

8. CWP No.18358 of 2019 (O&M)

Parvesh

Vs

...Petitioner

State of Haryana and others

..Respondents

9. CWP No.19049 of 2019 (O&M)

Seema Duhan

Vs

...Petitioner

State of Haryana and others

..Respondents

10. CWP No.19184 of 2019

Divya

Vs

...Petitioner

State of Haryana and others

..Respondents

11. CWP No.19201 of 2019

Neelam Kumari

Vs

...Petitioner

State of Haryana and others

..Respondents

12. CWP No.19202 of 2019

Manju Bala

Vs

...Petitioner

State of Haryana and others

..Respondents

13. CWP No.19212 of 2019

Khusboo

Vs

...Petitioner

State of Haryana and others

..Respondents

14. CWP No.19351 of 2019

Rashmi Gera

Vs

...Petitioner

State of Haryana and others

..Respondents

15. CWP No.19353 of 2019

Archana Kumari

...Petitioner

Vs

State of Haryana and others

..Respondents

16. CWP No.17783 of 2019

Monika

...Petitioner

Vs

State of Haryana and others

..Respondents

17. CWP No.17787 of 2019

Suman Devi

...Petitioner

Vs

State of Haryana and others

..Respondents

18. CWP No.19718 of 2019

Reeta Kumari

...Petitioner

Vs

State of Haryana and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Suresh Kumar Kaushik, Advocate
for petitioner(s) in CWP No.16931, 16932, 16937,
17266, 17379, 17486, 18358, 19184, 19201, 19202,
19212,19353, 17783, 17787 of 2019.

Mr. Dalbir Singh, Advocate
for petitioners in CWP No.15763 of 2019.

Mr. Bhupinder Malik, Advocate
for petitioner in CWP No.19049, 19351, 19718 of 2019.

Ms. Shruti Jain Goyal, DAG, Haryana.

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AMIT RAWAL J. (ORAL)

In pursuance of directions given by this Court on
01.07.2019, State has filed affidavit. Copy thereof has been given to
counsel opposite.

This order of mine shall dispose of bunch of 18 writ

petitions wherein petitioners sought indulgence of this Court for issuance of direction to consider claim of petitioners for adjustment under the Policy of Adjustment/Notice dated 13.07.018 and 28.01.2019 (Annexure P3 and P-4). This Court on previous date i.e. 01.07.2018 passed following order:-

“Short point involved in the present petitions is that petitioner in pursuance to the guidelines (Annexures P-3 and P-4) issued by Additional Chief Secretary to Govt. Haryana, Higher Education Department, Chandigarh and Director, Higher Education, Panchkula, Haryana for meeting out the demand of “extension lecturers” who were displaced due to transfer to be adjusted by concerned Principal subject to certain conditions i.e. experience letter and having more length of service. As per list of vacancies displayed on portal, Annexure P-4, Mr. Kaushik, Advocate pointed out that there were three vacancies at serial no.372 of Annexure P4, in Govt. College Jind in the stream of Hindi. The petitioner has already made a representation (Annexure P-5) to the Director General, Higher Education, Haryana, Shiksha Sadan, Sector 5, Panchkula and the Principal, Govt. College, Jind whereas vide letter dated 11.06.2019 (Annexure P-6), the Director Higher Education, Haryana, Shiksha Sadan, Sector-5, Panchkula informed the petitioner that her case would be decided at the level of College itself.

In this regard, an attention of this Court has been drawn to the list of extension lecturers who have been adjusted in terms of the directions issued by this Court in various writ petitions. It was also contended that all the aforementioned persons are non-NET.

Ms. Palika Monga, Deputy Advocate General, Haryana is directed to file an additional affidavit of Chief Secretary, Higher Education, Haryana to apprise regarding number of vacancies available and eligibility of extension lecturers having NET and non-NET qualification.

Adjourned to 22.07.2019.

Photocopy of this order be placed on the files of connected cases.”

Mr. S.K. Kaushik, Mr. Dalbir Singh and Mr. Bhupinder Malik, learned counsel appearing for petitioner(s) submitted that this Court in pursuance of decision given by this Court in CWP No.16975 of 2014 titled as ‘*Mrs. Rita Tandon Vs. State of Haryana and others*’ decided on 29.07.2016 directed State to be bound by directions issued in CWP No.9300 of 2015 entitling salary for vacation period and remuneration, State Government had passed order dated 19.09.2016 (Annexure P-2) on the subject of engagement of Extension Lecturers in Government Colleges for the academic session 2016-17 by fixing guidelines. Shri A. Sreenivas, Special Secretary to Govt. of haryana, Higher Education Department-cum-Director Higher Education, Haryana filed reply and para 3 to 6 of affidavit stated as under:-

“3. That as per information provided by Principals of Government colleges in the State of Haryana, the total number of vacancies as per sanctioned posts in all Govt. Colleges in all subjects is 1559. The subject-wise detail is given in Annexure R-1.

4. That total number of eligible Extension Lecturers (having the qualification of NET or Ph.D) is 1844. The subject-wise detail is given in Annexure R-2.

5. That total number of ineligible Extension Lecturers (neither having the qualification of NET nor Ph.D) is 265. The subject-wise detail is given in Annexure R-3.

6. That in addition to above, it is also submitted that adjustment of displaced extension lecturers is being made as per requirement of the teachers as per requirement according to yearly workload in a particular subject which is assessed after completion of admission process in particular academic year.”

Perusal of aforementioned affidavit reveals total number of vacancies as per sanctioned posts in government colleges in all subjects are 1559 and total number of eligible Extension Lecturers having qualification of NET or Ph.D are 1844 whereas ineligible Extension Lecturers are 265. Petitioners fall in category of 265 ineligible Extension Lecturers for not having qualification of NET or Ph.D.

Since process of admission for academic session 2019-2020 has commenced, which will be completed in August, 2019, I am

of the view that grievance of petitioner, at this stage, cannot be considered, in view of sanctioned strength as noticed in the affidavit. However, in case, workload increases, respondents may consider case of petitioners having non-qualification of NET or Ph.D.

At this stage, counsel for petitioners submitted that petitioners have made representations to respondents which are lying undecided.

In order to avoid impasse, I deem it appropriate to dispose of writ petitions with direction to respondents to decide representations of petitioners and pass a speaking order thereon after affording opportunity of hearing within a period of two months after admission process is over. In case no representation is given till date, liberty is granted to submit appropriate application/representation within a period of one week from the date of receipt of certified copy of this order. If decision is not taken by concerned respondent to whom representation is made as directed by this Court, it will entail into imposition of costs of ₹25,000/- to be paid to petitioner(s) from salary of officer/official found responsible for not deciding representation. This condition of imposing costs is only to prevent petitioner(s) to run from pillar to post and avail remedy of contempt in case of non-compliance of directions issued by this Court.

(AMIT RAWAL)
JUDGE

July 22, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No