

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 08.11.2019

(1)

CWP No.14626 of 2016

Nisha Mann & Ors.

...Petitioners

Vs.

State of Haryana & Ors.

...Respondents

(2)

CWP No.14747 of 2016

Preeti Dhiman

...Petitioner

Vs.

State of Haryana & Ors.

...Respondents

(3)

CWP No.14749 of 2016

Kanika & Anr.

...Petitioners

Vs.

State of Haryana & Ors.

...Respondents

(4)

CWP No.14754 of 2016

Pratima Sharma

...Petitioner

Vs.

State of Haryana & Ors.

...Respondents

(5)

CWP No.17910 of 2017

Geeta Arora & Ors.

...Petitioners

Vs.

State of Haryana & Ors.

...Respondents

Present: Ms. Amrita Nagpal, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. WALIA, J.(ORAL)

[1] This order shall decide Civil Writ Petition Nos. 14626,14747, 14749, 14754 of 2016 and CWP No.17910 of 2017, as identical point is involved in all the cases, namely right of Extension Lecturers to continue in service, till joining of regularly selected candidates.

[2] Learned counsel for the petitioners relies upon the decision of a Coordinate Bench of this Court in CWP No.16975 of 2014 in case titled as '**Mrs.Rita Tandon** versus **State of Haryana and others**', to contend that in said case, the claim of Extension Lecturers not to be replaced by another set of similarly situated Extension Lecturers was disposed of with the following directions:-

“(1) Those of the petitioners who are engaged as Extension Lecturers but are not NET qualified are open to be replaced by Extension Lecturers who are NET passed candidates. In case, NET qualified candidates are not available in response to the advertisements inviting applications for Extension Lecturers, to the extent of vacancies notified, then the petitioners, who do not possess NET certificates, will have a right to continue as Extension Lecturers provided their work, conduct and performance is satisfactory. Those petitioners, who are not NET qualified but falling within the deficit/shortfall of advertised vacancies will not be replaced by a similar arrangement till direct recruitment is made and regular candidates are available for joining the post. However, in cases, where the NET qualified candidates are available to fill all the vacancies required to be filled from amongst Extension Lecturers then it will be open to the Government to engage the petitioners who are NET qualified to the exclusion of others.

(2) There is no gainsaying that both Guest Faculty Lecturers on contract basis and Extension Lecturers (with or

without NET) who are not bound by contracts in writing, their rights would remain subservient to open merit regular recruitment and can be replaced as and when regular recruitment is made or when their work and conduct is not found up to the mark and reasons therefore are furnished and engagements to be discontinued will be without casting any stigma on their work and conduct so that their future employment to public service under the State is not imperilled. In other words, they will not be disadvantaged by mere fact of disengagement either by replacement theory amongst NET qualified candidates or when their work and conduct is found short of standards required to be maintained in colleges.

(3) That apart, the stand taken in the written statement filed by the State will be taken as undertaking to this Court. Mr. Harish Rathee Learned Sr. DAG, Haryana has assured this Court that the process of engagement or replacement shall remain absolutely transparent without any tinge of bias or unfair discrimination within the homogenous group. Grievances, if any, in the working of this system may be brought to the notice of the Education Department, where their grievances can be settled expeditiously, failing which, it will be open to the petitioners to present applications in the disposed of matters for further orders and in case Court interference is found necessary to restore the balance of justice equitably.

(4) In cases, where disengagements/cessation of work have taken place and NET qualified Extension Lecturers are not available, Government would consider their cases for recall in the current/next session, as the case may be. In this regard, decisions be taken without any delay and preferably within 7 days of the petitioners bringing their grievances to the notice of the College-authorities.

(5) So far as remuneration is concerned, the State would be bound by the directions issued in CWP No.9300 of 2015 (supra) which entitles them to salary for the vacation period and remuneration @ Rs.1000/- per lecture subject to a maximum of Rs. 25000/- per month. These directions will remain subject to the appeal filed by the State of Haryana in cases mentioned in para. 2 above. It

is understood that those UGC guidelines which apply to the colleges would be honoured, obeyed and kept in mind to the extent they prescribe in running the educational institutions.”

[3] In the light of the aforementioned directions, learned counsel for the petitioners contends that the petitioners are entitled to continue in service as Extension Lecturers, till such time, that NET qualified Extension Lecturers or regularly selected candidates are not appointed, as also of the entitlement of the petitioners to be paid remuneration @ ₹1,000/- per lecture, subject to maximum of ₹25,000/- per month.

[4] Learned Senior Deputy Advocate General, Haryana, states that he has no objection to the prayer of the petitioners, subject to the conditions that the petitioners would be liable to be replaced on availability of NET qualified Extension Lecturers or in the eventuality of regularly selected candidates being appointed and further that they would be paid salary in the intervening period of time as per the directions contained in CWP No.16975 of 2014, subject to the work and conduct of the petitioners being satisfactory.

[5] In the light of the position as noted above, the writ petitions are disposed of by directing that the petitioners shall be continued in service and shall not be replaced except by a NET qualified Extension Lecturer or regularly selected lecturer and would be paid remuneration as per the directions contained in Para No.2 (5) of the order in CWP No.16975 of 2014.

[6] Writ petitions disposed of as above

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(B.S. WALIA)

JUDGE

November 08, 2019

Poonam Sharma

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No