

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision : 02.04.2019

1.

CWP No.17026 of 2018

Anil Kumar and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

2.

CWP No.17269 of 2018

Aniket Malik and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K. Malik, Senior Advocate,
with Mr. Sandeep Dhull, Advocate,
for the petitioner(s).

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Keshav Pratap Singh, Advocate,
for respondent Nos. 3 and 5.

Mr. Amit Rao, Advocate,
for respondent No.4-MD University (in CWP-17269-2018).

Mr. Salil Sabhlok, Advocate,
for respondent No.6-UGC.

Ritu Bahri, J. (oral)

This judgment shall dispose of CWP Nos.17026 & 17269 of 2018 together as common questions of law and facts are involved in both the petitions. For reference, facts are being taken up from CWP No.17026 of 2018.

Petitioners, who are appointed as Assistant Professors on contract basis in different subjects, are seeking direction to the respondents to make/release payments of vacation period. They are further praying that they should not be replaced by another set of contractual Assistant Professors.

Upon notice, written statement on behalf of respondent Nos.3 and 5 has been filed. Along with the written statement, they have placed on record resolution dated 21.04.2018 (Annexure R-3/2), whereby selection criteria and mode of recruitment to the post of Assistant Professor has been modified keeping in view the decision given by this Court in **Narender Dahiya vs. State of Haryana and others**, CWP No.19372 of 2017 (decided on 10.11.2017). In the said petition, criteria for selection to the post of Assistant Professors for the sessions 2017-2018 was under challenge. Keeping in view the judgment passed by this Court in the aforesaid petition, the advertisement was cancelled and it was resolved that interviews for the session 2018-2019 would be held on the basis of 12.5% marks as per DGHE Rules.

Learned counsel for the respondent Nos.3 and 4 states that after this resolution was passed, a fresh advertisement was issued vide Annexure P-4 inviting applications for the posts of Assistant Professors on contract basis for the sessions 2018-2019. He further states that pursuant to the advertisement (Annexure P-4), selections have already been made and candidates have joined.

Learned counsel for the petitioners, at this stage, restricts his prayer to payment of summer vacation salary, which the respondents are legally bound to make from the date of initial appointments of the

petitioners on contract basis keeping in view the judgment passed by this Court in **Dr. Anil Khurana vs. Maharshi Daya Nand University, Rohtak and others**, CWP No.13946 of 2004, decided on 03.09.2013 (Annexure P-11), which has been upheld by the LPA Bench vide judgment dated 21.11.2014 passed in LPA No.2104 of 2013 (Annexure P-12).

Keeping in view the judgments dated 03.09.2013 & 21.11.2014 passed in CWP No.13946 of 2004 and LPA No.2104 of 2013 (Annexures P-11 and P-12), both these petitions are disposed of by giving direction to respondent Nos.3 and 5 to make/release payment of salary to the petitioners for the summer vacations, within a period of four weeks from the date of receipt of certified copy of this order. Compliance report thereof be sent to this Court. With regard to the issue of advertisement (Annexure P-4), petitioners can avail alternative remedy by approaching the concerned Educational Tribunal in view of the judgment passed by Division Bench of this Court in **Management of S.D. Model Senior Secondary School & another vs. District Judge-cum-Service Tribunal and another**, CR No.4315 of 2012, decided on 27.11.2013 (Annexure R-3/1).

02.04.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No