

[110] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 12.12.2019

1. CWP No.19937 of 2018

Prem Singh and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

2. CWP No.25056 of 2018

Dilbag Shrivastav Petitioner

Versus

State of Haryana and Ors. Respondents

3. CWP No.19573 of 2018

Usha and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

4. CWP No.19578 of 2018

Anita Kumari Petitioner

Versus

State of Haryana and Ors. Respondents

5. CWP No.19584 of 2018

Manju Verma Petitioner

Versus

State of Haryana and anr. Respondents

6. CWP No.19790 of 2018

Sarita Kanchap and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

7. CWP No.19939 of 2018

Anita Petitioner

Versus

State of Haryana and Ors. Respondents

8. CWP No.19940 of 2018

Ravita and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

9. CWP No.19979 of 2018

Naresh Kumar and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

10. CWP No.20028 of 2018

Kuldeep Singh and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

11. CWP No.20089 of 2018

Mamta and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

12. CWP No.20090 of 2018

Suman and Ors. Petitioners

Versus

State of Haryana and anr. Respondents

13. CWP No.20153 of 2018

Kamlesh and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

14. CWP No.24080 of 2018

Arun Kumari and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

15. CWP No.20217 of 2018

Rekha Rani and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

16. CWP No.20219 of 2018

Noor Mohammad and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

17. CWP No.20221 of 2018

Sudesh Kumari and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

18. CWP No.20222 of 2018

Sanjeeta Devi and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

19. CWP No.20223 of 2018

Braham Prakash and anr. Petitioners

Versus

State of Haryana and Ors. Respondents

20. CWP No.20224 of 2018

Sudesh Kumari and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

21. CWP No.20225 of 2018

Mamta Petitioner

Versus

State of Haryana and Ors. Respondents

22. CWP No.20227 of 2018

Neha Chauhan Petitioner

Versus

State of Haryana and Ors. Respondents

23. CWP No.20230 of 2018

Neelam Petitioner

Versus

State of Haryana and anr. Respondents

24. CWP No.20232 of 2018

Veenus Kumar and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

25. CWP No.20234 of 2018

Sonu Bala & Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

26. CWP No.20259 of 2018

Reena Devi and anr. Petitioners

Versus

State of Haryana and Ors. Respondents

27. CWP No.20263 of 2018

Jaidev Sharma Petitioner

Versus

State of Haryana and Ors. Respondents

28. CWP No.20302 of 2018

Yogesh Kumar and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

29. CWP No.20361 of 2018

Jyoti and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

30. CWP No.20384 of 2018

Pooja Rani and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

31. CWP No.20402 of 2018

Sunita Devi Petitioners

Versus

State of Haryana and Ors. Respondents

32. CWP No.20539 of 2018

Arti Petitioner

Versus

State of Haryana and Ors. Respondents

33. CWP No.20569 of 2018

Suresh Kumar and anr. Petitioners

Versus

State of Haryana and Ors. Respondents

34. CWP No.20576 of 2018

Sulekha and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

35. CWP No.20836 of 2018

Poonam Rani and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

36. CWP No.20856 of 2018

Suman Sharma Petitioners

Versus

State of Haryana and Ors. Respondents

37. CWP No.20875 of 2018

Promila Devi and anr. Petitioners

Versus

State of Haryana and Ors. Respondents

38. CWP No.21068 of 2018

Santosh Kumari Petitioner

Versus

State of Haryana and Ors. Respondents

39. CWP No.21265 of 2018

Chetan Sharma and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

40. CWP No.21286 of 2018

Satish Singh and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

41. CWP No.31664 of 2018

Sushil Rani Petitioners

Versus

State of Haryana and Ors. Respondents

42. CWP No.21436 of 2018

Devender Gupta Petitioner

Versus

State of Haryana and Ors. Respondents

43. CWP No.21438 of 2018

Santosh Kumari Petitioner

Versus

State of Haryana and Ors. Respondents

44. CWP No.21439 of 2018

Mahesh Petitioner

Versus

State of Haryana and Ors. Respondents

45. CWP No.21440 of 2018

Mahender Singh Petitioner

Versus

State of Haryana and Ors. Respondents

46. CWP No.21445 of 2018

Vijay Lakshmi Petitioner

Versus

State of Haryana and Ors. Respondents

47. CWP No.21446 of 2018

Ravinder Kumar Petitioner

Versus

State of Haryana and Ors. Respondents

48. CWP No.21530 of 2018

Bishan Chand Petitioner

Versus

State of Haryana and Ors. Respondents

49. CWP No.21532 of 2018

Kirti Swarup Petitioner

Versus

State of Haryana and Ors. Respondents

50. CWP No.21533 of 2018

Reena Kumari Petitioner

Versus

State of Haryana and Ors. Respondents

51. CWP No.21542 of 2018

Anita Devi Petitioner

Versus

State of Haryana and Ors. Respondents

52. CWP No.21596 of 2018

Sanjeev Kumar and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

53. CWP No.21758 of 2018

Jaidev Singh and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

54. CWP No.22035 of 2018

Krishan Kumar and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

55. CWP No.22071 of 2018

Anshul Petitioner

Versus

State of Haryana and Ors. Respondents

56. CWP No.22429 of 2018

Sunil Kumar Petitioner

Versus

State of Haryana and Ors. Respondents

57. CWP No.22447 of 2018

Pardeep Sharma Petitioner

Versus

State of Haryana and Ors. Respondents

58. CWP No.22648 of 2018

Nisha Kumari Gupta Petitioner

Versus

State of Haryana and Ors. Respondents

59. CWP No.22805 of 2018

Ramesh Kumar and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

60. CWP No.23200 of 2018

Neelam Rani Petitioner

Versus

State of Haryana and Ors. Respondents

61. CWP No.23208 of 2018

Sapna and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

62. CWP No.23474 of 2018

Sunil Dutt and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

63. CWP No.23479 of 2018

Poonam Bhardwaj Petitioner

Versus

State of Haryana and Ors. Respondents

64. CWP No.23866 of 2018

Anju Parashar Petitioner

Versus

State of Haryana and Ors. Respondents

65. CWP No.23889 of 2018

Satbir Singh and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

66. CWP No.23954 of 2018

Sunita Devi Petitioner

Versus

State of Haryana and Ors. Respondents

67. CWP No.23996 of 2018

Ravinder Kumar Petitioner

Versus

State of Haryana and Ors. Respondents

68. CWP No.24008 of 2018

Bal Krishan and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

69. CWP No.24159 of 2018

Surinder Kaur Petitioner

Versus

State of Haryana and Ors. Respondents

70. CWP No.24908 of 2018

Rajendra Kumar and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

71. CWP No.25598 of 2018

Gurnaib Kaur and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

72. CWP No.37909 of 2018

Suresh Kumar and anr. Petitioners

Versus

State of Haryana and Ors. Respondents

73. CWP No.20215 of 2018

Jaidev Rani and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

74. CWP No.20355 of 2018 (O&M)

Meenakshi and Ors. Petitioners

Versus

State of Haryana and Ors. Respondents

75. CWP No.3141 of 2019

Rekha Yadav Petitioner

Versus

State of Haryana and Ors. Respondents

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

Present: Mr. Jasbir Mor, Advocate and
Mr. Vikram Bishnoi, Advocate.

Mr. P.R. Yadav, Advocate.

Mr. Ravi Kadian, Advocate.

Mr. M.S. Kundu, Advocate.

Mr. Rakesh Sobti, Advocate.

Mr. Ashutosh Kaushik, Advocate.

Mr. Anshul Gupta, Advocate.

Mr. Chanderhas Yadav, Advocate.

Mr. Vikram Sheoran, Advocate,
Mr. Satyveer Singh Goyat, Advocate,
Mr. Rajender Singh Nain, and Mr. Rohit Singh,
Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG and
Ms. Shruti Jain Goyal, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] This order shall decide CWP Nos.19937, 25056, 19573, 19578, 19584, 19790, 19939, 19940, 19979, 20028, 20089, 20090, 20153, 24080, 20217, 20219, 20221-20225, 20227, 20230, 20232, 20234, 20259, 20263, 20302, 20361, 20384, 20402, 20539, 20569, 20576, 20836, 20856, 20875, 21068, 21265, 21286, 31664, 21436, 21438-21440, 21445, 21446, 21530, 21532, 21533, 21542, 21596, 21758, 22035, 22071, 22429, 22447, 22648, 22805, 23200, 23208, 23474, 23479, 23866, 23889, 23954, 23996, 24008, 24159, 24908, 25598, 37909, 20215, 20355 (O&M) of 2018 and

3141 of 2019 as point in issue in all the cases, as agreed by learned counsel for the petitioners, is identical.

[2] For the purpose of convenience and with the consent of learned counsel for the parties, CWP No.19937 of 2018 titled as Prem Singh and Ors. v. State of Haryana and Ors. is treated as the lead case.

[3] Prayer in the writ petition is for the issuance of a writ of Certiorari for quashing order, Annexure P-4 dated 02.08.2018 and Annexure P-5, i.e. clarification dated 03.08.2018 issued by the Director of Elementary Education, Haryana, Shiksha Sadan, Sector-5, Panchkula vide which all transfer/adjustment orders of Guest Teachers working as JBT/C&V Teachers including petitioners, issued by the Directorate from 01.03.2018 till date were ordered to be cancelled with immediate effect and all such Guest/Ad hoc Teachers were directed to be relieved immediately and asked to join their previous place of posting.

[4] A short reply has been filed by learned State Counsel on behalf of the respondents in CWP No.19937 of 2018. The same is taken on record. Learned State Counsel further submits the said reply is being adopted in all other connected cases. Copy thereof handed over to learned counsel for the petitioners in the instant case as well as in all other connected cases.

[5] Learned counsel for the petitioners on perusal of the reply state that the grievance of the petitioners stand redressed in view of the stand taken by the respondents in paragraph Nos.2, 4 and 5 of the aforementioned reply. The aforesaid paragraphs are reproduced as under:-

“2. That the Hon’ble High Court passed the interim order dated on 07.08.2018, in CWP No.19573 of 2018

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*titled as Usha and others v. State of Haryana and others
the operative part of the interim order is as under:-*

“Notice of motion for 13.11.2018.

To be heard along with CWP No.19538 of 2018.

*In the clarification dated 03.08.2018 shall remain
stayed qua petitioners, subject to the condition that
in case regular employee comes to join, the
petitioners will be relieved.”*

*Copy of order dated 07.08.2018 is annexed as Annexure
R-1.*

4. *That letter dated 12.10.2018 had also been written
to all the District Elementary Education Officers to
comply with the order dated 07.08.2018 of the Hon’ble
High Court passed in CWP No.19573 of 2018. It was
also directed that all such orders issued by the Hon’ble
High Court must be complied with meticulously. In case
of failure, District Elementary Education Officer
concerned will be responsible for the delay, if occurred
any. Copy of this letter is annexed as Annexure R-2. It is
clear that the order dated 07.08.2018 passed by this
Hon’ble High Court has been complied with and no
petitioners will be relieved until regular employee comes
to join.*

5. *That it is also worthwhile to mention here that
regarding the dispute of regular appointments, a LPA
No.686 of 2016 and some other writ petitions are also*

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pending in the Hon'ble High Court. The said LPA No.686 of 2016 has been fixed for hearing for 16.12.2019. Hence, after the decision of said LPA or from any reason if the regular candidates come then the petitioners on ad hoc basis would be relieved/transferred or adjusted in other districts as per requirement".

[6] A perusal thereof reveals that in CWP No.19573 of 2018 in case titled as Usha and others v. State of Haryana and others while issuing notice of motion on 07.08.2018 for 13.11.2018, it was ordered that clarification dated 03.08.2018 would remain stayed qua petitioners therein, subject to the condition that in case regular employees joined, the petitioners would be relieved.

[7] Pursuant thereto, all District Elementary Education Officers in the State were directed that no teacher would be relieved and they were allowed to continue to serve on the post on which they were working. Subsequently, in the meeting convened by the Director Elementary Education, Panchkula on 20.08.2018, it was again directed that all District Elementary Education Officers would comply with the order of the High Court dated 07.08.2018. Communication to that effect was also issued vide Annexure R/2 dated 12.10.2018 and on the said basis, it is the stand of the respondents that no petitioners would be relieved until regular employees come to join.

[8] Further while giving reference of LPA No.686 of 2016, it has been mentioned that if pursuant to the decision in the said LPA or for any other reasons, regular candidates come then the petitioners who are working

on ad hoc basis would be relieved/transferred or adjusted in other districts as per requirement.

[9] The same satisfies learned counsel for the petitioners.

[10] In view of the aforementioned stand in the reply filed in CWP No.19937 of 2018 in case titled as Prem Singh and ors. v. State of Haryana and ors. that no petitioner would be relieved/transferred or adjusted till the joining of regular employees as also the stand of learned counsel for the parties, the writ petition i.e. CWP No.19937 of 2018 and all connected matters are allowed. Impugned orders, Annexures P-4 and P-5 dated 02.08.2018 and 03.08.2018 respectively are set aside and it is ordered that no petitioner would be relieved/transferred or adjusted in other districts except on the joining of regular employees pursuant to decision of LPA No.686 of 2016 or otherwise.

(B.S. Walia)
Judge

12.12.2019
amit

1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.