

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

CWP No.21078 of 2018
Date of decision: 04.12.2019

Meenakshi

..... Petitioner

Versus

State of Haryana and Ors.

..... Respondents

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

Present: Mr. S.S. Duhan, Advocate for the petitioners.
 Mr. Harish Rathee, Sr. DAG, Haryana.
 Mr. Dalbir Singh, Advocate for respondent Nos.4 and 5.

B.S. Walia, J. (Oral).

[1] Prayer in the writ petition is for the issuance of a writ of Mandamus for directing respondent No.3 to fill-up the post of Extension Lecturer in the subject of History as per the guidelines, Annexure P/3 dated 20.07.2017 by removing the ineligible Extension Lecturers i.e. respondent Nos.4 and 5 and appointing the petitioner on account of his being in the selected panel of Resource Person in History, Annexure P/2 collectively.

[2] Petitioner who claims to fulfill the qualifications and eligibility conditions for appointment to the post of Extension Lecturer applied in response to the advertisement as is attached along with RTI information in CWP No.18622 of 2015 as Annexure A/7 and on being subjected to the selection process was empanelled as a selected candidate, Annexure P/2 as a Resource Person in History for the year 2016-17. However, the petitioner was not appointed as Extension Lecturer (Resource Person in History) in the year 2016-17 on account of respondent Nos.4 and 5 who were appointed as

eligibility condition of being NET qualified having been appointed and continuing in service on the basis of stay granted to them on 04.09.2015 in CWP No.18622 of 2015.

[3] It needs mentioning here that the petitioner was selected and empanelled as a Resource Person in History for the year 2016-17 (Annexure P/2) in response to the advertisement pursuant to the decision of a Co-ordinate Bench of this Court in CWP No. 16975 of 2014 in case titled as **Mrs. Rita Tandon v. State of Haryana and others** decided on 29.07.2016.

[4] Learned counsel for the parties are in agreement that the writ petition can be disposed of in terms of the decision of the Co-ordinate Bench in Mrs. Rita Tandon's case (Supra) by directing respondent No.3 to regulate the appointments of the petitioner as well as respondent Nos.4 and 5 in accordance with paragraph No.2 and 2 (1) of said decision. Relevant extract of the same is reproduced as under :-

2. Having regard to the orders passed in CWP No.9300 of 2015 (Mrs. Menka and ors. v. State of Haryana and ors.) decided on May 5, 2016 and the orders passed by the Coordinate Bench in CWP No.14732 of 2014 (Baljeet Singh & anr. v. State of Haryana & ors.) pronounced on September 16, 2014, vide which the petition filed by similarly placed extension Lecturers was dismissed on the premises that the services of Extension Lecturers are not engagements on contract unlike in the cases of Guest Faculty Lecturers who are bound by contracts in writing and therefore, Extension Lecturers have no claim as a matter of right not to be replaced by a similar arrangement. Having considered the two judgments and orders handed down and having heard the learned counsel for the respective parties in this bunch of cases,

the petitions are 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.”

[5] At this stage, it would be relevant to mention here that respondent Nos.4 and 5 who earlier did not possess the eligibility condition of being NET qualified or Ph.D. at the time of their initial appointment in the academic year 2014-15, obtained qualification of Ph.D. after the empanelment of the petitioner for the year 2016-17.

[6] Accordingly, in the light of the position as noted above as well as the statement of learned counsel for the parties, the writ petition is disposed of by directing respondent No.3 to regulate the appointment of the

No.2 and 2(1) of the decision in Mrs. Rita Tandon's case (Supra) while giving preference to the petitioner on account of her fulfilling the eligibility conditions for appointment to the post of Extension Lecturer prior to respondent Nos.4 and 5 acquiring the eligibility conditions, though respondent Nos.4 and 5 are continuing in service since the year 2014 -15 solely on the basis of interim orders passed by a Co-ordinate Bench in CWP No.18622 of 2015 on 04.09.2015. Needful be done within a period of four weeks from the date of submission of certified copy of this order. In case, if on the basis of orders to be passed by respondent No.3 either of respondent Nos.4 and 5 are displaced, then their claim be considered for appointment in any of the Government Colleges as per the decision in Mrs. Rita Tandon's case (Supra) as well as the adjustment policy issued by respondent No.2 from time to time.

(B.S. Walia)
Judge

04.12.2019
amit

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