

S.No.125

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

CWP No.7834 of 2020 (O&M)

Date of Decision:13.07.2020

Sarika Juneja

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

=====
IN VIRTUAL COURT
=====

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Davinder Pal Soni, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

Through present petition, the petitioner has challenged the order dated 14.12.2019 passed by respondent No.3, the Principal of the Government National College, Sirsa, whereby the claim of the petitioner to be engaged as Extension Lecturer/Resource Person in the subject of Psychology, has been declined.

The brief facts as pleaded by the petitioner are that the petitioner was engaged as Resource Person on extension lecture basis in the subject of Psychology in Government P.G. College, Bhiwani on 16.09.2014. This engagement was on periods basis as per the requirement. As per the pleadings of the petitioner, due to reduction in workload in the subject of Psychology in Government P.G. College, Bhiwani, the services of the petitioner were dispensed with at that place, on 30.04.2016. However, later on, the petitioner came to know that there are six positions of Resource Person/ Extension Lecturers in the subject of Psychology at Government National College, Sirsa. Out of those six positions, four positions were held

by two persons who are not having NET pass qualification. Hence, claim of the petitioner is that since the petitioner is an exemptee from passing NET qualification, she should be preferred for engagement as Resource Person/ Extension Lecturer at Government National College, Sirsa. Hence, those two persons, who are not NET qualified and are engaged at Government National College, Sirsa should be removed from engagement and the petitioner should be engaged in place of one of them. It is further submitted by the counsel that earlier also, the petitioner had approached this Court with a similar prayer and this Court had directed the respondents to pass a speaking order. However, now respondent No.3 has passed the speaking order, thereby declining the claim of the petitioner. Hence, the present petition has been filed.

Having heard learned counsel for the petitioner and having perused the case file, this Court finds that the petitioner has not placed on record any policy issued by any competent authority for replacing an already engaged person with more qualified person, and under which the petitioner can be engaged in place of those persons by removing them from their positions. Hence, the claim of the petitioner is not supported by any legal basis. In support of her claim, to have replaced those persons who are already engaged in Government National College, Sirsa, learned counsel has placed reliance upon some observations of a Single Bench of this Court in the judgment rendered in CWP No.16975 of 2014; decided on 29.07.2016; in which it is observed as under:-

“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 @ ₹ 1000/- per lecture subject to a maximum of ₹ 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.”

However, the above-said observations of the learned Single Judge also do not come to help of the petitioner. A bare perusal of the observations makes it clear that those observations related to the particular facts of that case. These observations were not issued as general directions to be followed by the State as a matter of routine in all cases. Hence, even the judgment, sought to be relied upon by the petitioner, does not form any legal basis for her claim.

Still further, a bare perusal of the impugned order also shows that the petitioner was not removed from Government P.G. College, Bhiwani; rather she herself had left the job from that place. The impugned order also shows that at Government P.G. College, Bhiwani, there was sufficient workload at that time, therefore, there was no question of disengaging the petitioner at that particular time. Learned counsel for the petitioner could not controvert this assertion made in the impugned order, by referring to any document on record. Hence, even the assertions of the petitioner that she was disengaged from the position at Government P.G. College, Bhiwani on account of reduction in workload is not substantiated.

Since the petitioner herself had left the job at Government P.G. College, Bhiwani, she cannot take advantage of her own wrong to get replaced the other persons who are already working at Government National College, Sirsa after having been duly engaged.

The impugned order also shows that persons whom the petitioner is seeking to be removed were engaged on the orders passed by this Court. Counsel for the petitioner has not been able to explain as to how those persons could be replaced in view of the fact that they were appointed pursuant to the order passed by this Court.

In view of the above, this Court does not find any substance in the writ petition. Hence, the same is dismissed.

July 13, 2020
renu

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No