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

LPA-395-2020 (O&M)

Date of Decision: 6th August, 2020

PULKIT ARYA AND OTHERS

.....APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Sunil Kumar Nehra, Advocate
for the Appellant.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

Dr. S. Muralidhar, J.

1. This is an appeal directed against the judgment dated 19th February, 2020 passed by the learned Single Judge in CWP-18217-2017.

2. The Appellants are Extension Lecturers, but do not possess NET certificates. They have, by the impugned judgment dated 19th February, 2020 of the Single Judge, been allowed to continue as such pending their substitution by those possessing the NET qualification. The issue in the present appeal is whether the Appellants can be replaced by those possessing the NET qualification without being granted an opportunity to acquire such qualification?

3. The Court finds that the learned Single Judge has disposed of the writ petition relying upon an earlier order dated 25th January, 2018 passed by a

Single Judge of this Court in a batch of writ petitions, the lead case of

which was CWP-20767-2017 (*Anita v. State of Haryana*). In that order, reference was made to the earlier decision of learned Single Judge dated 29th July, 2016 in CWP-16975-2014 (*Mrs. Rita Tandon v. State of Haryana*). The operative portion of the aforesaid order dated 25th January, 2018 reads as under:-

“5. 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 for the time being provided their work, conduct and performance is satisfactory. Those petitioners, who are not NET qualified but fall 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 cadre 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.”

4. Learned counsel for the Appellants contends that since the Appellants have all been working for a considerable number of years, ranging from 6 to 8 years, they should be given some time to acquire the NET qualification on par with a similar benefit being granted to those teachers working in “privately managed government aided, recognized schools” under the Haryana State Education School Cadre (Group B) Service Rules, 2012.

5. As far as this contention is concerned, learned counsel for the Respondents has pointed out that minimum requirement of NET qualification has been consistently insisted upon by the State in its policies and has been reiterated in its recent policy dated 4th March,

2020.

6. Since, as of date there is no such policy to grant time to serving contractual Extension Lecturers, not possessing NET time to possess such qualification while continuing in service, it is not possible for the Court to dictate to the Respondents to provide such a facility to the Appellants.
7. The second contention raised is that those replacing the Appellants should not be themselves engaged on a contractual basis. As far as this contention is concerned, since the Appellants in any event do not possess the mandatory NET qualification and, as such, cannot continue, there is no requirement to consider the submission as to how they are likely to be replaced
8. The Court finds no ground to interfere with the impugned order of the learned Single Judge.
9. The appeal is accordingly dismissed.
10. The pending applications, if any, are disposed of.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

6th AUGUST, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No