

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

CWP No. 12058 of 2020 (O&M)
Date of Decision:- 18.8.2020

Manoj Kumar and others ... Petitioners

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. A.K.Singh Goyat, Advocate for the petitioners.

Mr. Ravinder Budhwar, Addl. A.G. Haryana.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.

1. The petitioners challenge impugned orders dated 28.11.2019, 29.11.2019, 30.11.2019, 2.12.2019, 4.12.2019 and 5.12.2019 (Annexure P-14 to Annexure P-14/E) passed by respondents No. 3 to 9 whereby their claim for appointment as Extension Lecturers in various colleges has been declined.
2. The learned counsel for the petitioners submits that the impugned orders have been passed while ignoring the dictum of this Court in CWP-20953-2017 and other two connected cases (Annexure P-9) and is also in violation of judgment dated 16.7.2020 passed in CWP-2715-2020 (Annexure P-16). It has been submitted that the petitioners who have cleared 'NET' in General category are eligible to be appointed as Assistant Professors and Extension Lecturers but they are not being appointed as such despite the fact that a

large number of vacancies are lying vacant and despite the fact that some of the vacancies have been filled by ineligible candidates. The learned counsel has submitted that the petitioners had earlier approached this Court by way of filing CWP No.16931 of 2019 which was disposed of vide order dated 22.7.2019, the operative portion of which reads as follows :-

“In order to avoid impasse, I deem it appropriate to dispose of writ petitions with direction to respondents to decide representations of petitioners and pass a speaking order thereon after affording opportunity of hearing within a period of two months after admission process is over. In case no representation is given till date, liberty is granted to submit appropriate application/representation within a period of one week from the date of receipt of certified copy of this order. If decision is not taken by concerned respondent to whom representation is made as directed by this Court, it will entail into imposition of costs of ₹25,000/- to be paid to petitioner(s) from salary of officer/official found responsible for not deciding representation. This condition of imposing costs is only to prevent petitioner(s) to run from pillar to post and avail remedy of contempt in case of non-compliance of directions issued by this Court.”

3. Pursuant to the aforesaid directions having been issued, the respondents considered the cases of the petitioners individually and passed individual orders as would be evident from perusal of orders dated 28.11.2019, 29.11.2019, 30.11.2019, 2.12.2019, 4.12.2019 and 5.12.2019 (Annexure P-14 to Annexure P-14/E). A relevant extract from one such order passed by respondent No. 4 in respect of petitioner Manoj Kumar and others reads as such :-

“Also from personal hearing, it is amply clear that all of you did not work as Extension Lecturer in any of the Govt. Colleges in Haryana and therefore none of you can be considered as a displaced Extension Lecturer as per the policy of Directorate of Higher Education Haryana, Panchkula, whose guidelines are binding on this office.

As per latest guidelines from DHE Haryana Office dated 16.09.2019, only those Extension Lecturers are to be adjusted against available workload who have been displaced from any Govt. College in Haryana after 01.07.2014 and that also with a minimum teaching experience of one semester. Since none of you fall in this category and therefore none of you can be adjusted even if workload exists in your respective subjects.

Moreover, the Extension Lecturers who are non-eligible as per UGC norms but still teaching in this college are either protected under certain directions from various judgments of Hon'ble High Court or they have been given joining under some directions of Hon'ble High Court.”

4. The aforesaid orders would reflect that the appointments have been declined to the petitioners either on account of the fact that some of the applicants did not have requisite experience as Extension Lecturers or they did not fall in the category of displaced Extension Lecturers as per the guidelines issued by the department or on account of non-availability of requisite workload.
5. The petitioners merely on account of possessing academic qualification for appointment cannot claim appointment as of right. The respondents having considered the case of the petitioners individually and having decided not to appoint them cannot be saddled with their services.

6. In these circumstances, this Court does not find any ground for issuance of any direction to the respondents, as has been prayed for.
7. The petition is sans merits and is hereby dismissed.

18.8.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No