

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.12073 of 2020(O&M)

Date of Order: 25th August, 2020

Kulbir Singh and others

..Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sajjan Singh, Advocate
for the petitioners.

Mr. Samarth Sagar, Addl.A.G.,Haryana

ANIL KSHETARPAL, J.

This writ petition has been filed by four petitioners claiming that they are qualified to teach in the discipline of Environmental Science and suitable directions in this regard be issued by the Court.

The present petition has been filed with the following substantive prayers:-

“(c) a writ in the nature of certiorari/mandamus be issued to quash the impugned action of the respondents whereby the petitioner is not being allowed to discharge her duties in respondent No.3 college or any of the other Govt. Colleges despite availability of workload and eligibility of the petitioner and judgments of Hon'ble Apex Court Annexure P-1 dated 22.11.1991 and Annexure P-2 dated 18.12.2003 and instructions of expert bodies including Annexure P-3 dated 09.12.2005, Annexure P-4 dated 07.08.2014, Annexure P-5 dated 17.06.2016, Annexure P-6 dated 29.09.2016, Annexure P-7 dated 02.11.2016,

Annexure P-17 dated 14.05.2019, Annexure P-18 dated 22.05.2019, Annexure P-25 dated 13.09.2019 and also letter Annexure P-26 dated 06.02.2019 wherein an eligible candidate in the subject of Environment Science/Studies has been directed to approach any college of her choice for adjustment/ appointment as Extension Lecturer in the subject of Environment Science/ Studies subject to availability of workload and grant of same relief by this Hon'ble Court vide order Annexure P-27 dated 12.03.2019 in CWP No.6657 of 2019 titled as 'Poonam Yadav versus State of Haryana and others. The respondents be further directed to join and continue the services of the petitioners as Extension Lecturer in the subject of Environment Science/Studies till the regular selections are made to the post of Assistant Professor in the subject of Environment Science/Studies;

d) it is further prayed that during the pendency of the present writ petition, the respondents be directed to join the petitioner as Extension Lecturer in the subject of Environment Science/Studies and continue her services, in the interest of justice.”

No doubt, awareness of the environment and its problems relating to pollution should be made known to the students/younger generation from a very beginning, however, in the considered view of this court, the nature of relief which the petitioners are calling upon this court to grant, cannot be granted.

At the outset, learned counsel appearing for the petitioners has fairly stated that the petitioners have never been selected on the post either

on permanent or temporary basis. The case of the petitioners is that Hon'ble the Supreme Court, way back in 1992 flagged the requirement of education of the subject of Environmental Science, therefore, the directions be issued to allow the petitioners to teach as they are qualified to discharge their duties in the Government Educational Institutions in the State of Haryana. The writ petitioners have filed the present petition against the State of Haryana and the Director, Higher Education. It has been pointed out that on the directions of the University Grant Commission, certain Institutes have issued advertisements and certain Universities situated in the State of Haryana has finalised their syllabus for teaching of Environmental Science and Ecology as compulsory subjects.

At this stage, it may be noted that the Principal Secretary to the Government of Haryana, Higher Education Department, Chandigarh, has issued the guidelines for workload assessment for the academic sessions 2019-2020, vide communication dated 13.9.2019 ,Annexure P-25. In Clause-VI thereof, it has been provided as under:-

“6. The workload of Environment Science will be allotted to displaced extension lecturers who are qualified in the subject of Environment Science as per UGC regulations. If displaced extension lecturers in EVS are not available, this workload may be allotted to teachers of Biological Science (Botany/Zoology) and Geography till joining of regular Assistant Professors/ Extension lecturers in the subject of EVS.”

The petitioners claim that inspite of the aforesaid guidelines, no steps have been taken. The petitioners also claim that various colleges are allowing the subject of Environmental Science to be taught by the teachers of Biological Sciences(Botany/Zeology) and Geography, however, regular Assistant Professors or Extension Lecturers in the subject of Environmental Science are not being engaged.

The petitioners have also relied upon the directions issued in Civil Writ Petition No.6657 of 2019, decided on 12.03.2019, operative part of the directions issued are extracted as under:-

“At this stage, present petition is disposed of by giving direction to respondent no.2-Director of Higher Education, Haryana to consider the case of petitioner for the post of Extension Lecturer (Environmental Studies) in Govt. College, Nalwa, Hisar, keeping in view the existing workload dated 29.01.2019 (Annexure P-8), expeditiously.”

It has further been pleaded that as per the official document, there is a workload of around 42 vacancies in the subject which although is not a correct depiction and the total workload ought to be more than that.

This court has considered the submissions of learned counsel for the petitioners and with their able assistance gone through the paper book.

Learned counsel for the petitioners has reiterated that since the Hon'ble Supreme Court has issued directions and the State of Haryana has also decided to follow the directions of the Hon'ble Supreme Court which have been reiterated by the University Grants Commission, therefore, the directions as prayed for, are required to be issued.

This court has carefully analyzed the arguments of the learned counsel for the petitioners, however, expresses its inability to issue various writs as prayed for by the petitioners. It is not disputed that the petitioners have never been selected for the posts of Environmental Science either through regular recruitment or on temporary basis including Extension Lecturers. In these circumstances, in the considered opinion of this court, it would not be appropriate for this court to issue direction to the respondents to allow the petitioners to discharge their duties in Government Colleges. In

fact, the prayer has been made with reference to respondent no.3, however, in the writ petition, respondent No.3 has not been impleaded.

As regards the order, Annexure P-27, it may be noted that the writ petitioner-Poonam Yadav, was selected as Extension Lecturer, in the subject of Environmental Studies. Keeping in view the aforesaid facts, direction was issued to the Director, Higher Education, Haryana, to consider the case of the petitioner in the aforesaid writ petition.

Still further, reliance of the learned counsel on Annexure P-26, is also misplaced because the lecturer named therein was selected as Extension Lecturer in the subject of Environmental Science. While noticing the order dated 06.12.2018, passed by this court, the writ petition was disposed of by issuing directions to the respondent to consider the case of the petitioner as Extension Lecturer as the workload is still available but the petitioner in that petition shall not be considered in the category of a displaced Extension Lecturer as she has never joined the college as per the information.

It appears from Annexure P-26 and Annexure P-27, that certain lecturers have been selected as Extension Lecturers in the subject of Environmental Science. However, the petitioners do not claim that they have ever been selected.

Keeping in view the aforesaid facts, this court does not find it appropriate to issue the directions as prayed for.

Hence, the writ petition is dismissed.

25th August, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No