

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

CWP-15235-2020 (O&M)

Date of decision : 30.09.2020

Sonia Dua

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Dalbir Singh, Advocate for the petitioner.

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

ANIL KSHETARPAL, J.

This writ petition under Article 226 of the Constitution of India has been filed with following substantive prayers:-

“iv) A writ of mandamus directing the respondent No.3 to allow the petitioner Extension Lecturer in Mathematics to mark her attendance and continue with her job as she has been allowed to continue till regular appointments are made and not to replace her with the same set of person, so, now reopening of the issue is not permissible as per the principle of res-judicata.

v) Any appropriate direction may kindly be issued which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case to avoid starvation of the families of the petitioner may kindly be issued, in the interest of justice.”

The petitioner was appointed as an Extension Lecturer on contract basis in the year 2013. The petitioner filed various writ petitions before this Court. The last writ petition being CWP-20021-2018 was disposed of on 16.07.2020 with various other connected writ petitions, the operative part whereof reads as under:-

“4. On consideration of the submissions made by the counsel for the parties and keeping in view the facts and circumstances of the present case as also the policy of the Government of Haryana dated 04.03.2020, a direction is issued to the Director, Higher Education, Haryana – respondent No.2 to consider the claims of the each of the petitioners in these writ petitions in the light of the policy guidelines dated 04.03.2020 (Annexure R-3) within a period of one month and pass individual speaking orders thereon afresh irrespective of the earlier order(s) passed in their cases and without being influenced in any manner by it. In case the claims of the petitioners are found to fall within the parameters of the policy guidelines dated 04.03.2020 (Annexure R-3), they be continued/appointed. In case the claim of any of the petitioners is found to be not covered by the above policy, details with regard to the clause which renders the petitioner ineligible be specified detailing therein as to what/which qualification is not possessed by the said candidate rendering him/her ineligible for appointment. The speaking order so passed by the Director, Higher Education, Haryana – respondent No.2 shall be conveyed to the petitioners within a further period of one week.”

The Director Higher Education, Haryana on 30.07.2020, has passed a detailed order. It has been found that the petitioner does not

possess the minimum prescribed requisite qualification i.e. National Eligibility Test or PHD as prescribed in the Service Rules and as required for engagement as an Extension Lecturer.

The correctness of this fact is not disputed by the petitioner. Although, the petitioner has not disclosed in the present writ petition, however, in CWP-20021-2018 filed by the writ petitioner, it was disclosed that the petitioner was relieved from the job of Extension Lecturer on 21.07.2018.

At this stage, it will be relevant to point out that the State had issued a Policy Instructions dated 04.03.2020, which was the subject matter of challenge before the Division Bench of the Court in Suman Devi Vs. State of Haryana and others CWP-6968-2020. The Division Bench on 22.09.2020, after framing three questions, decided the same. First question covers the case of the petitioner. Still further, another Division Bench of this Court while hearing Letters Patent Appeal i.e. LPA-395-2020 on 06.08.2020, has held that it would not be appropriate for the Court to issue directions to the State of Haryana to continue to engage ineligible Extension Lecturers.

Learned counsel for the petitioner has heavily relied upon the interim order passed in CWP 14660-2020. It may be noted here that the aforesaid order was passed before 22.09.2020 and in view of the subsequent development i.e. a detailed judgment passed in CWP-6968-2020, it would not be appropriate for this Court to follow the interim order passed on 17.09.2020 in CWP-14660-2020 while ignoring two

detailed judgments passed by the Division benches.

Learned counsel for the petitioner also relied upon an interim order issued by the court in CWP No.7955 of 2017. It may be noted that this writ petition stands disposed of. Hence, the interim order stands merged with the final order. In any case, in view of the subsequent policy decision dated 04.03.2020 and the detailed judgments passed by two division benches, it is apparent that the petitioner, being ineligible, is not entitled to, as a matter of right, to claim issuance of directions to take her back in service and continue to engage her on the post of extension lecturer.

Keeping in view the aforesaid discussion, this Court does not find it appropriate to issue directions as prayed for, in the writ petition.

Hence, the present writ petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the aforesaid order.

30.09.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No