

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

Through Video Conferencing

1 **COCP-2231-2020**
Date of Decision : December 14, 2020

POONAM

.....Petitioner

VERSUS

AJIT BALAJI JOSHI AND ANR

.....Respondents

2 **COCP-2228-2020(O&M)**

PAWAN KUMAR

.....Petitioner

VERSUS

DEEPA AND ANR

.....Respondents

3 **COCP-2265-2020(O&M)**

INDERJEET KAUR

.....Petitioner

VERSUS

AJIT BALAJI JOSHI AND ANR

.....Respondents

4 **COCP-2344-2020(O&M)**

POONAM

.....Petitioner

VERSUS

AJIT BALAJI JOSHI AND ANR

.....Respondents

5 **COCP-2350-2020(O&M)**

AJAY KUMAR

.....Petitioner

VERSUS

COCP-2231-2020

-2-

AJIT BALAJI JOSHI AND ANR

.....Respondents

6

COCP-2356-2020(O&M)

ANJU YADAV

.....Petitioner

VERSUS

ANKUR GUPTA AND ORS

.....Respondents

7

COCP-2357-2020(O&M)

MINTU

.....Petitioner

VERSUS

ANKUR GUPTA AND ORS

.....Respondents

8

COCP-2362-2020(O&M)

MANJU BALA AND OTHERS

.....Petitioners

VERSUS

ANKUR GUPTA AND ORS

.....Respondents

9

COCP-2379-2020(O&M)

NITTIKA AND ORS

.....Petitioners

VERSUS

ANKUR GUPTA AND ORS

.....Respondents

10

COCP-2655-2020(O&M)

ANNU RANI

.....Petitioner

VERSUS

COCP-2231-2020

-3-

AJIT BALAJI JOSHI AND ORS

.....Respondents

11

COCP-2678-2020(O&M)

SONU RANI

.....Petitioner

VERSUS

ANKUR GUPTA AND ORS

.....Respondents

12

COCP-2684-2020(O&M)

DR. BINDU

.....Petitioner

VERSUS

ANKUR GUPTA AND ORS

.....Respondents

13

COCP-2568-2020(O&M)

PREETI

.....Petitioner

VERSUS

ANKUR GUPTA AND ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Dr. Naresh Kaushik, Advocate
for the petitioner in COCPs-2231-2020, 2265-2020, 2344-
2020, 2350-2020 and 2655-2020.

Mr. Dalbir Singh, Advocate
for the petitioner in COCPs-2228-, 2356, 2357, 2362, 2379,
2678, 2684 and 2568-2020.

Mr. Rajneesh Chadwal, AAG, Haryana.

NIRMALJIT KAUR, J. (Oral)

All the above mentioned contempt petitions are being disposed of by a common order.

The facts are being taken from COCP-2231-2020.

The contempt petition is filed for violation of the order dated 1.5.2019 passed in CWP-11254 of 2019 which was disposed of with the following directions:-

“Without expressing any opinion on the merits of the case, the present writ petition is disposed of keeping in view the judgment passed by this Court in Menaka and others Vs. State of Haryana and others, decided on 5.5.2016 that till the regular appointments are made or net qualified candidates join, the petitioners shall not be relieved.”

The judgment rendered in the case of Menaka (Supra) reads as under:-

“Applying the ratio of the above mentioned judgments, the writ petition is allowed and petitioners are allowed to continue to work on their post till the regular selections are made and they are entitled to get the salary of the vacation period and remuneration @ Rs.1000/- per lecture subject to a maximum of Rs.25000/- per month.

However, the respondents are at liberty to verify the qualifications of the petitioners as per UGC guidelines and can take appropriate steps to dispense with the services of the petitioners, who are not qualified.

However, it is made clear that the contractual employees shall work to the satisfaction of the respondents and in case posts are abolished or their work and conduct is not found satisfactory, their services can be

dispensed with by the respondents.”

Meanwhile, it is not disputed that the petitioners except few of them are ineligible but the argument raised by learned counsel for the petitioner is that some protection was granted even to the ineligible candidates to continue till the eligible candidates are available and it is further stated that there are no eligible candidates available.

However, the affidavit of Ajit Balaji Joshi has been filed in COCP-2228-2020, pointing out in para No.2 as under:-

“That it is relevant to mention here that the State Government in supersession to all instructions/policy/guidelines with respect to Eligible Extension Lecturers for engaging Eligible Extension Lecturers in Government Colleges notified a policy dated 4.3.2020 which was subsequently upheld by the Hon'ble Division Bench of this Court vide order dated 22.9.2020, whereby it is specifically provided that ineligible lecturer has no right to continue after the enforcement of the policy dated 4.3.2020. The relevant extract of the order passed by the Hon'ble Division Bench in CWP No.6968 of 2020 is reproduced here for ready reference:

Thus, it is seen that the State has been consistently trying to weed out the candidates who are not eligible by filling up these posts with eligible candidates. The directions that have been issued from time to time, does not afford any protection to the ineligible candidates in perpetuity. As observed earlier, since the State does not have shortage of eligible lecturers now, it was well within its power to frame and implement the impugned policy dated 4.3.2020 (P-12) and ignore the ineligible Extension Lecturers. Hence, issue No.3 is also answered

in favour of the State, as it cannot be said the impugned policy is in conflict with the directions issued by this Court from time to time.

In view of the above, finding no merit in the present writ petitions are hereby dismissed.”

Accordingly, the petitioners have been disengaged in view of the policy dated 4.3.2020 which is also upheld by the Division Bench.

It is also evident that the Division Bench has also noted that there was no shortage of eligible candidates. Hence, it cannot be said to be a case of any wilfully disobedience in any manner.

In view of the above, all the contempt petitions are dismissed.

Rule issued against the respondents is discharged.

It is, however, clarified that the above order applies only in case where the candidates are ineligible. In case, any of the candidates/petitioners assumes or presumes that he/she is eligible, he/she will be at liberty to avail remedy as available.

December 14, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No