

PROCEEDINGS THROUGH VC

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

202-4

LPA-1306-2019 (O&M)
Date of Decision : 03.12.2020

State of Haryana and others

--Appellants

Versus

Dr. Vijay Kumar Aggarwal

--Respondent

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr.Samarth Sagar, Addl.A.G., Haryana
for the appellants.

AUGUSTINE GEORGE MASIH. J.(Oral)

CM-2843-LPA-2019

Prayer in this application is for condonation of delay of 48 days in re-filing the present appeal.

For the reasons mentioned in the application which is duly supported by the affidavit of S.P.Sukhija, Joint Director, Higher Education Department, Panchkula, the same is allowed.

Delay of 48 days in re-filing the appeal stands condoned.

LPA-1306-2019

In the present appeal challenge is to the order dated 20.03.2019 passed by the learned Single Judge directing the respondents (appellants herein) to continue the services of the petitioners and further observing that the petitioners cannot be replaced by way of transfer of regular selected candidates keeping in view the judgment passed by this Court in CWP No.26077 of 2018 (Mamta Rani and others vs. State of Haryana and others) and CWP No.24163 of 2018 (Pawan Kumar and others vs. State of Haryana and others) and can be replaced if their work and conduct is not found satisfactory or regularly selected candidates join.

The said issue with regard to the continuation of the Extension Lecturer has been settled by the Division Bench of this Court dealing with the policy issued by the Government of Haryana dated 04.03.2020. The said policy of the State of Haryana has been found to be fully justified and in accordance with law and it has been held in para 26 as follows:-

“26. 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 04.03.2020 (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, the present appeal is allowed setting aside the impugned order dated 20.03.2019 passed by the learned Single Judge. As a consequence thereof, the writ petition preferred by the petitioners shall stand dismissed.

As the main case has been decided, no order is required to be passed in the pending miscellaneous application(s).

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

03.12.2020
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |