

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

116

CWP No.14538 of 2021

Decided on : 07.09.2021

Inderjeet

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Dr.Naresh Kaushik, Advocate, for the petitioner.
(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for setting aside the order dated 27.05.2021 (Annexure P-1) whereby he has been relieved by respondent No.1 on account of reduction of workload as Extension Lecturer and also on account of the fact that he is not eligible Lecturer in the subject of Mathematics.

The issue is no longer res-integra. The Division Bench in **Suman Devi Vs. State of Haryana & others 2020 (4) SCT 523**, framed the following three issues for consideration:

“ISSUES:

- i) Whether the impugned policy dated 04.03.2020 is liable to be quashed as it declares those candidates ineligible, who do not possess the NET being arbitrary especially in view of the fact that these in-eligible candidates were appointed through validly constituted selection committee?
- ii) Whether the petitioners claim discrimination with the regularly appointed employees as these regularly appointed employees are continuing despite the fact that they are not qualified, whereas petitioners have been barred from continuing on their jobs?
- iii) Whether the policy in question is in direct contravention to the various judgments passed by this Court i.e CWP No. 16975 of 2014 titled as “Rita Tandon Vs State of Haryana and others” decided on 27.07.2016 as well as Judgment dated 25.01.2018 passed in bunch of writ petition, lead case being CWP No. 20767 of 2017 titled as “Anita Vs State of Haryana and others”.?”

Resultantly, while tracing the history of the litigation and the

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

116 CWP No.14538 of 2021

-2-

exigencies of requirement of the Extension Lecturers, the Division Bench came to the conclusion that there was sufficient availability of regular appointees and it was for the employer to see as to how to utilize its employees and the policy dated 04.03.2020 was held not to be suffering from any arbitrariness regarding declaring candidates who are ineligible having not possessing the NET eligibility. Similarly, on the issue No.2, it was held that merely because certain persons were working prior to the amendment, could not give a licence to the Extension Lecturers to be equated with regularly appointed employees, as per the statutory rules and since the minimum qualifications for appointment of Teachers and other academic staff in the colleges had been adopted by the State of Haryana. Resultantly, it was held that the ineligible candidates cannot be allowed to continue in perpetuity and the State was not having any shortage of eligible Lecturers and it was well within its power to frame and implement the policy and ignore the ineligible Extension Lecturers.

Another Division Bench in LPA-1121-2019 titled *State of Haryana & others Vs. Anil Kumar & others*, decided on 03.12.2020, set aside the order dated 26.03.2019 passed by the Learned Single Judge wherein certain directions had been issued directing for continuation of the Extension Lecturers till they were replaced by way of transfer of regularly selected candidates. While referring to para No.26 of the judgment in Suman Devi (supra), the appeal was allowed and directions issued, were set aside. Same reads as under:

“In the present appeal challenge is to the order dated 26.03.2019 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.

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

116

CWP No.14538 of 2021

-3-

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 26.03.2019 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).”

In similar circumstances, this Court had also dismissed CWP-16488-2021 titled *Hoshiyar Singh Vs. State of Haryana & others*, on 03.09.2021 on the same principles and no reasonable ground is there to deviate from the settled principles.

In such circumstances, in the absence of any legal vested right, no writ of mandamus can be issued, as prayed for, in the present writ petition and the same is, accordingly, dismissed in limine.

September 07, 2021

Sailesh

Whether speaking/reasoned:
Whether Reportable:

**(G.S. SANDHAWALIA)
JUDGE**

Yes/No
Yes/No