

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

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CWP No.16488 of 2021

Decided on : 03.09.2021

Hoshiyar Singh

... 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 issuance of directions to allow the petitioner, being a displaced Extension Lecturer to be adjusted against available vacant post of Extension Lecturer (Philosophy) with the respondent No.3-College or in any other Government college.

A perusal of the letter dated 10.05.2021 (Annexure P-6) would go on to show that the petitioner himself admits that he is ineligible and had last worked with the Government College for Girls, Sector 14, Gurugram from 28.08. 2012 to 04.04.2013. As per the policy dated 04.03.2020, which has been appended as Annexure P-5 which is in supersession to all previous instructions/guidelines/directions. Thus, only such persons have to be appointed as Extension Lecturers who fulfill the qualification/eligibility as per the Haryana Education (College Cadre) Group 'B' Service Rules, applicable to Assistant Professor of Government Colleges which are referred to as 'Eligible Extension Lecturers' and the non-qualified persons engaged by the Principals have to be removed. Clause 19(a) provides that in case of joining of newly appointed Assistant Professors, the Extension Lecturers have to be relieved and the first one on whom the axe is to fall are those who do not fulfill the qualifications as prescribed by the UGC/State Government norms.

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The said instructions were subject matter of consideration before the Division Bench in CWP-6968-2020 titled *Suman Devi Vs. State of Haryana & others*, decided on 22.09.2020, wherein three issues were raised including the issue of declaring the person not possessing NET, being arbitrary and whether any discrimination could be there qua the regularly appointed persons. The Division Bench upheld the policy on the ground that there was no obligation to continue with the ineligible candidates without any rhyme and reason and it is for the employer to see as to how to utilize its employees. Similarly, it was held that the Extension Lecturers cannot be equated with the regularly appointed employees and accordingly, it was held that directions which have been issued from time to time do not offer any protection to the ineligible candidates in perpetuity. The said observations would be directly applicable to the facts and circumstances of the present case.

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.

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 03, 2021
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No