

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

203

**CWP No.16808 of 2020
Decided on : 27.09.2021**

Jai Parkash

... Petitioner

Versus

State of Haryana and others

... Respondents

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

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

Mr.Harish Nain, AAG, Haryana.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India is to the order dated 18.09.2020 (Annexure P-10) whereby respondent No.3 came to the conclusion that the petitioner is not eligible for re-engagement as Extension Lecturer, as per policy dated 04.03.2020 (Annexure P-14). Relief is, accordingly, sought to treat the petitioner as fully eligible as he is having the qualification of MA/Ph.D in English and the work-load is available.

The reasoning in the said order mainly is on account of the fact that initially the petitioner had been treated as eligible being NET qualified, on account of the fact that he was treated as a reserved category candidate belonging to the Jat caste. The said eligibility was revised in view of the orders of the Apex Court and the benefit of reserved category was withdrawn. Therefore, the petitioner did not make the grade in the General Category and thus, had to fall back on a certificate dated 15.07.2018 (Annexure P-4), issued by the Kalinga University showing that he has done his Ph.D. The authorities had found that there was no record in the office regarding his earlier employment from 25.07.2016 to 09.01.2018 and therefore, his Ph.D degree was not considered and thus, he was held ineligible since 09.01.2018 when he left the College at Kosli and he, thus, did not have the requisite eligibility.

It is the case of the petitioner that he had completed his course work in the academic session 2014-15, as per certificate dated 04.07.2015

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(Annexure P-12). Thereafter, he had worked at Government College, Kosli from 25.07.2016 to 17.12.2016 and thereafter, was re-engaged for various period, i.e. on 06.01.2017 till 11.02.2017, from 06.03.2017 to 09.03.2017, 17.03.2017 to 29.04.2017 and 21.07.2017 to 09.01.2018 and a certificate dated 19.07.2018 (Annexure P-5) had been issued by the Principal of the said College. Clause 21 of the policy dated 04.03.2020 reads as under:

“21. Only the persons, who worked as eligible Extension Lecturer for at least one semester but were relieved due to less workload/joining of regular Assistant/Associate Professors by way of transfer/deputation or fresh appointment on or after 01.07.2014 are to be adjusted and are to be considered as 'Displaced Extension Lecturer'.”

State Counsel has, thus, justified the said order that petitioner did not have the experience of working for one semester as an eligible Extension Lecturer when he was relieved on 09.01.2018. It is further submitted that the disengagement certificate dated 19.07.2018 (Annexure P-5) was held to have been tampered with in as much as it mentioned that the petitioner had a Ph.D degree.

Counsel for the petitioner is justified in holding out that the petitioner had already joined his academic course for Ph.D in the year 2014 and rather had got his certificate on 04.07.2015 (Annexure P-12). Therefore, it was without any basis which had been noticed in the impugned order that there was no record found regarding his pursuing of Ph.D degree during the said period from 25.07.2016 to 09.01.2018, since it was for a period prior to service in 2017. Respondent No.3 has, thus, failed to appreciate this aspect and has unnecessarily come to the said conclusion, on the basis of which, the impugned order was passed.

Similarly, the issue of tampering and the fact that the certificate dated 04.07.2015 having been issued on Sunday, is without any basis. It is not the case of the respondents that they did not recognize the Ph.D from the Kalinga University. The petitioner had got his Ph.D degree on 15.07.2018 (Annexure P-3) and therefore, an entry having been made by the Principal,

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Government College, Kosli, District Rewari on 19.07.2018, subsequently, cannot imply that the displacement certificate was wrong in any manner.

In such circumstances, this Court is of the opinion that the reasons on the basis of which the impugned order is passed are not justified. Resultantly, in view of the above discussion, the present writ petition is allowed and the impugned order dated 18.09.2020 (Annexure P-10) is hereby quashed. The respondents shall treat petitioner as an eligible Extension Lecturer, in view of Clause 21 of the policy, since at the time of disengagement on 20.08.2020 (Annexure P-6), he had the said eligibility and had worked for at least one semester.

Writ petition stands allowed in the above-said terms.

September 27, 2021
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No