

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

LPA-50-2022 (O&M)
Date of decision:- 03.02.2022

Manisha Yadav

...Appellant (s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mazlish Khan, Advocate,
for the appellant.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

(The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in
virtual Court)

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

CM-133-LPA-2022

For the reasons mentioned therein, the delay of 65 days in filing the appeal is condoned.

The application stands disposed of.

LPA-50-2022

This appeal is directed against the judgment and order dated 11.02.2021 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) seeking a direction to the respondent-authorities to continue her as an Extension Lecturer (Mathematics) till a regular appointment is made.

Learned counsel for the appellant submits that the positive case set out before the learned Single Judge was that as per the policy dated 04.03.2020 (Annexure P-16), the appellant was eligible to be appointed and continued as Extension Lecturer (Mathematics) till the workload was available and her work was satisfactory. It is urged that in such circumstances, the dismissal of the writ petition by the learned Single Judge inspite of vacancies being available is contrary to law.

Upon a consideration of the matter the learned Single Judge concluded that the validity of the policy instructions dated 04.03.2020 (Annexure P-16) was upheld by the Division Bench of this Court, vide judgment dated 22.09.2020 in CWP No.6968 of 2020 (Suman Devi Vs. State of Haryana and others). And, in terms of the said policy, only the eligible

extension lecturers could be retained in service. Concededly, the appellant was ineligible as per UGC/State Government norms, for, she did not have NET/Ph.D. at her initial date of appointment. That being so, she did not possess any legally enforceable right to claim re-induction. Further, just because a few of the extension lecturers were retained despite being ineligible would not advance the case of the appellant as she could not claim any negative equality.

In view of the aforesaid admitted and undisputed fact that the appellant did not possess the necessary eligibility qualification, we do not find any merit in the appeal or infirmity in the order passed by the learned Single Judge warranting interference.

The appeal filed by the appellant being meritless is accordingly dismissed.

In view of the aforesaid, no orders are required to be passed in CM-136-LPA-2022, seeking leave to file relevant documents as Annexures A-1 to A-4.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

03.02.2022
Amodh/Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No