

CWP-1546-2020 (O&M)

Date of decision : March 31, 2022

ARTI CHAUHAN

.....Petitioner

Versus

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Bhuwan Vats, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J.

CM-4748-CWP-2022

Prayer in the application is for placing on record displacement/experience certificate as Annexure P18. Same is taken on record subject to just exceptions.

Application is disposed of.

CWP-1546-2020 (O&M)

Prayer in this writ petition is to quash impugned orders dated 06.11.2019 (Annexure P15), 06.11.2019 (Annexure P16) and 07.11.2019 (Annexure P17) whereby claim of the petitioner for re-adjustment in respondent – colleges has been declined and for a direction to the respondents to allow/adjust the petitioner to the post of Assistant Professor/Extension Lecturer as per the guidelines governing re-engagement of Extension Lecturers.

It is submitted that the petitioner was appointed as an Extension Lecturer in the subject of Commerce and she worked as such from 26.08.2011 till

30.04.2015 with breaks as mentioned in certificate dated 11.08.2020. Due to insufficient workload, her services were not continued. CWP-19940-2019 filed by the petitioners and others was disposed of on 22.07.2019 (Annexure P10). Affidavit filed on behalf of the State to the effect that there are 1559 vacancies as per sanctioned posts in all Government colleges in all subjects with total number of eligible Extension Lecturers having qualification of NET or Ph.D being 1844 and ineligible Extension Lecturers to be 265 is taken note of in said order dated 22.07.2019. It is observed in the said order that since process of appointment for academic session 2019-20 had commenced, grievance of the petitioners about qualification of NET or Ph.D at that stage could not be considered in view of the sanctioned strength as mentioned in the affidavit filed on behalf of the respondents. However, in case, workload increases, it was observed that respondents may consider the case of the petitioners. At that stage, learned counsel for the petitioners pointed out that representations submitted before the respondents were lying undecided, which were directed to be decided within a period of three months after admission process is over. Petitioner's representations (Annexures P15 to P17) were rejected by the Principals of Government College, Salaheri, Nuh, Rewari and Kharkhara, Rewari on 06/07.11.2019 on the ground that petitioner did not fulfill the requisite eligibility conditions as she had not cleared NET/secured Ph.D. at the time of initial engagement. Present writ petition has been filed challenging the said impugned orders.

Heard.

Admittedly, the petitioner had not cleared her NET and neither had a Ph.D. degree at the relevant time when her services were dispensed with.

Learned counsel for the petitioner is unable to deny that as of now, it is policy dated 04.03.2020 issued by the State of Haryana, which regulates engagement of Extension Lecturers in Government Colleges. Therefore, reference to the instructions/memos or guidelines issued prior to 04.03.2020 is of no avail as the said policy dated 04.03.2020 admittedly supersedes earlier provisions/instructions/guidelines. The method and manner of engagement of eligible Extension Lecturers has been provided therein. It is provided that only those persons who fulfill the eligibility/qualification as per the Haryana Education (College Cadre) Group B Service Rules, 1986 for Assistant Professor for Government Colleges would be engaged as Extension Lecturer. It is not denied that having secured NET/Ph.D is an essential requirement as per Rules. The method and mode of selection of Extension Lecturer is duly provided therein. Extension Lecturer, it is provided, would be engaged for one semester but the same would be subject to availability of workload in the subject concerned as per the policy. Method of removal etc. is also provided and provision is made for adjustment of Displaced Extension Lecturers as well. Clause E of policy dated 04.03.2020 provides for adjustment of Displaced Eligible Extension Lecturers as under:-

“E. ADJUSTMENT OF DISPLACED ELIGIBLE EXTENSION LECTURERS:

20. In case of a relieved eligible Extension Lecturer(s) having experience certificate and good conduct certificate, they will be adjusted if and only if they approach for adjustment in some other Government College by way of representation as per terms given below, to the Director General Higher Educational Committee constituted at Headquarter.

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'.
22. The list of colleges will be displayed on web portal where the requirement of teaching faculty is available in the subject.
23. All displaced eligible Extension Lecturers will upload their bio-data on web portal with experience details duly verified by the Principals of previous colleges where they worked and were displaced on or after July 2014. An email, alongwith copy of their experience certificate as well as their educational qualifications certificates, is required to be uploaded within 72 hours after displacement by way of joining of an Assistant Professor by way of fresh appointment or transfer or deputation of regular faculty.
24. Director General Higher Educational committee will normally review the same on weekly basis and will display the list of adjustment on web portal on the next coming Tuesday. Thereafter, selected candidate(s) will approach the Principal of concerned college within 72 hours with all original documents. After scrutiny and verification of the documents, the Principal will allow them to join and will submit report on web portal. In case of false documents or any other compulsion, Principal can deny joining and will report on the web portal with reasons. Same will be reviewed by the Director General Higher Educational Committee in its next meeting.
25. Thereafter, in case of availability of further unmet workload, the other eligible Extension Lecturers, displaced from some other Government Colleges will be considered whose seniority will be determined on the basis of length of service coupled with eligibility, conduct, result etc. as reflected in the experience certificates issued by Principal(s) from previous college(s).
26. The incumbent having longest experience will be adjusted first. In case of his/her refusal or non-joining within two/three days, the next person can be given chance to be got adjusted."

It is specifically provided in Clause 21 that only those persons, who worked as eligible Extension Lecturers for at least one semester, but were relieved due to less workload etc., are to be considered as Displaced Extension Lecturers.

As per the said policy, petitioner is not entitled to be treated as an eligible Displaced Extension Lecturer as she was not having requisite eligibility

qualification at the relevant time and furthermore she has not taught for one whole semester as an eligible Extension Lecturer as per requirement of the said policy.

That being so, petitioner having subsequently acquired her Ph.D. degree in the year 2019, would at best entitle her to be considered as an eligible Extension Lecturer but not as a Displaced Extension Lecturer. It is to be noticed at this stage that there is no challenge to the policy/guidelines dated 04.03.2020 and there is no provision, whatsoever, for waiver of the specific and categoric provisions of the relevant policy guidelines.

Furthermore, the argument that the respondents have retained even those candidates who do not fulfill eligibility criterion inasmuch as they are not NET qualified or have not done Ph.D. is of no avail to the petitioner as learned counsel is unable to deny that any such candidates who may be working, are continuing under specific court orders prior to the policy of 2020. Moreover, apart from the fact that no similarly situated candidates engaged by the respondents was pointed out, it is a settled position that two wrongs cannot make a right. Thus, petitioner cannot reap any benefit therefrom.

In the factual matrix of the case, I do not find any ground whatsoever to interfere in this writ petition except to observe that at best the petitioner is entitled to be considered as an eligible Extension Lecturer under the Policy/guidelines dated 04.03.2020 subject to fulfillment of any other conditions.

No other argument has been addressed.

This writ petition is, accordingly, dismissed.

March 31, 2022

rts

(LISA GILL)
JUDGE

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