

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 14576 of 2020 (O&M)
Date of Decision:19.04.2022

Amit

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Dr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Addl.AG., Haryana.

LISA GILL, J(Oral).

Prayer in this writ petition is for a direction to the respondents to re-engage the petitioner as a Displaced Extension Lecturer in the discipline of Geography in terms of Policy dated 04.03.2020, Annexure P-3.

It is averred that the petitioner was appointed as an Extension Lecturer in the discipline of Geography at Government P.G., College Jind, in the academic session 2012-2013 and he also worked at Jat College Hisar from 12.08.2013 till 30.04.2014. Present writ petition has been filed in April 2020 with the petitioner staking a claim that he is an eligible Displaced Extension Lecturer and is therefore, entitled to readjustment in the same college or nearby college/department.

Short reply dated 22.02.2021, has been filed on behalf of

respondents no.1 to 3, wherein it is stated that the petitioner was initially engaged as an Extension Lecturer in January 2013, pursuant to which he delivered 173 lectures. Petitioner was relieved in the month of April 2013 due to less workload. It is further stated that petitioner himself had written letter dated 07.08.2013 to the concerned principal stating that he was not interested in joining as an Extension Lecturer at Government College Jind. It is further stated in the short reply that the petitioner is neither NET qualified nor a Ph.D degree holder, but was initially engaged as per requirement of the college.

Learned counsel for the petitioner submits that though the petitioner is not NET qualified and neither has a Ph.D degree, he is still entitled to be appointed as an Extension Lecturer on the basis of judgement **dated 16.07.2020 in CWP No. 2715 of 2020, titled as Ritika Vs. State of Haryana and others and connected matters and decision dated 23.07.2020 in CWP No. 18235 of 2018, titled as Satish Kumar and others Vs. State of Haryana and others.** Learned counsel submits that in *Ritika's* case, the respondent-authorities were directed to consider the case of ineligible candidates for continuation after making appointment of eligible candidates as per Policy Guidelines dated 04.03.2020 to ensure that studies of students do not suffer in any manner. It is vehemently argued that in case vacancies are available, candidates who are ineligible, have a right to be considered *qua* the same. Reference has also been made to interim order dated 10.11.2021 in **LPA No. 814 of 2021, titled as Amrit Kaur Vs. State of Haryana and others.** It is thus prayed that this petition be allowed.

Learned counsel for the State while opposing this writ petition submits that the petitioner is not entitled to be treated as a Displaced Extension Lecturer in terms of the policy dated 04.03.2020 which governs

the adjustment of Displaced Extension Lecturers. It is thus prayed that this writ petition be dismissed.

I have heard learned counsel for the parties and have gone through the file with their assistance.

It is a matter of record that petitioner did not fulfill the eligibility conditions as per applicable rules for appointment to the post of Extension Lecturers when he was working on the post of Extension Lecturer in the Sessions 2012-13. He was relieved due to lack of workload. It is not denied by learned counsel for the petitioner that since 2013 till 28.02.2020, petitioner has not taken any step whatsoever for re-engagement as Extension Lecturer/Assistant Professor in Geography. It is a settled position that delay in itself is fatal in such a situation. At this stage, it is relevant to refer to a decision of Hon'ble Supreme Court in **Chairman/Managing Director UP Power Corporation Ltd. and others Vs. Ram Gopal, 2020 SCC Online SC 101** wherein it is held that:-

“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In **SS Balu vs. State of Kerala, (2009) 2 SCC 479** this Court observed thus:

“17. It is also well-settled principle of law that “delay defeats equity”. ...It is now a trite law that where the writ

petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment.” (emphasis supplied).”

This ground in itself is sufficient to dismiss this writ petition.

Be that as it may, it is to be noted that as of now, appointment of Extension Lecturers is regulated by Policy dated 04.03.2020. The method and manner of engagement of 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 as per rules, having cleared NET or securing Phd. Degree is one of the required eligibility conditions. The method and mode of selection of Extension Lecturer is duly provided. 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. Clause A of the Policy reads as under :-

“A. Engagement of Eligible Extension Lecturers:-

1. Extension Lecturers shall be engaged purely on work requirement basis, if and only if there is an unmet workload of more than 50% of the prescribed norms of State government. In case, there is workload less than 50% of the prescribed norm, it shall be met by the existing regular faculty. If there is requirement of engaging more than one eligible Extension Lecturer, it shall be ensured by the Principal that additional eligible Extension Lecturer shall be engaged only when there is a requirement of workload as per prescribed norms. Further, if eligible extension

lecturers have been engaged for less than the prescribed workload, services of such persons shall be dispensed with following the principle of 'First Come, Last Go'.

2. Only such persons shall be engaged 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 (hereinafter referred to as 'Eligible Extension Lecturers'). Non-qualified persons engaged by the Principals shall be removed after coming into force of these policy however, the information about court protected ineligible extension lecturers shall be sent to Directorate prior to such action by the Principal concerned so that appropriate applications may be filed in the Hon'ble Court for vacation of stay/modification of orders in view of the present policy.
3. If there is workload, as per norms stipulated, to engage new eligible Extension Lecturers in any subject, prior approval of the Director General Higher Education with workload and justification shall be obtained. In no case, eligible Extension Lecturer shall be engaged without prior approval of the Director General Higher Education, Haryana.
4. Application will be invited through publication/advertisement by the Principal concerned in two prominent national newspapers (Hindi and English) strictly as per the approval given by the Director General Higher Education in case no displaced eligible extension lecturer as mentioned at sr. nos. 22 & 23 come forward for engagement. The draft advertisement shall include details about qualification as per the norms, pay scales, etc. decided by the Government for engagement of Eligible Extension Lecturers and

shall be got approved from Director General Higher Education, Haryana.

5. A committee of three senior most Associate/Assistant Professors under the Chairmanship of Principal of the concerned college shall be constituted to engage eligible Extension Lecturer purely on merit and on the basis of selection criteria prescribed by the State Govt. for selection of Assistant Professors in Govt. Aided Colleges circulated vide letter no. KW/8/36-2009 C-IV (3) dated 14.03.2017.
6. A waiting list of three candidates in a subject shall be prepared in the order of merit which shall remain valid for one academic session.
7. The eligible Extension Lecturers shall be engaged for one academic session. However, it will be subject to availability of workload in the subject concerned as per conditions of this policy.”

Method of removal etc., is also provided and provision is made for adjustment of Displaced Extension Lecturers as well. Clause D and E of policy dated 04.03.2020 which provide for removal/relieving of Extension Lecturer and adjustment of Displaced Eligible Extension Lecturers read as under:-

“D. REMOVAL/ RELIEVING.

18. If the work and conduct of an extension lecturer is not found satisfactorily, an explanation shall be sought by the concerned principal and if the same is not found satisfactory his/her engagement shall be discontinued.
19. In case of joining of newly appointed Assistant Professors, the Extension Lecturers may be allowed to deliver the lecturers if sufficient workload is available otherwise in case the remaining workload is less, then Extension Lecturers may be relieved in following manner:-
 - a. First, who does not fulfill the qualifications as prescribed by UGC/State Government norms

should be relieved. Such orders should be issued mentioning the reasons of relieving.

- b. For the purpose of relieving, the seniority of extension lecturers will be decided between two persons, one of whom was engaged initially as eligible and another had acquired minimum qualification after his/her joining will be decided, by deducting the period without having the minimum qualification. In case both have joined on the same date then the senior in age will be ranked senior.
- c. Thereafter, if the remaining Extension Lecturers are more than the remaining workload, the junior may be relieved as per Last-In-First go Formula. To decide the seniority amongst Extension Lecturers, the length of continuous service in present college only will be taken on account only. The persons engaged/adjusted in any particular last Govt. college will be displaced first without taking his/her entire experience in other college than the present one and the fact regarding decreased workload may be mentioned in such orders. However, if an Extension Lecturer is protected by any court order, then clarification may be sought from this office in relevant matter. In case of any conflict, the matter may be got decided from this office by sending special messenger with complete record.

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 19 (a) that the persons who do not fulfill the qualifications as prescribed by the UGC/State Government norms, should be relieved. It is further 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. on or after 04.07.2020, are to be considered as Displaced Extension Lecturers. Learned counsel for the petitioner is unable to deny that there is no challenge to the policy guidelines and there is no provision, whatsoever, for waiver of the specific and categorical provisions of the relevant policy guidelines.

It is categorically stated in Clause A (2) of Policy dated 04.03.2020, that only such persons shall be engaged 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. It is further mentioned in the said Clause that non qualified persons engaged by the Principals shall be removed after coming into force of this Policy, however, the information about Court protected ineligible Extension Lecturers shall be sent to the Directorate prior to such action by the Principal concerned so that appropriate applications may be filed before the concerned Court for vacation of stay/modification of orders in view of the present policy.

A division Bench of this Court in **Suman Devi Vs. State of Haryana and others, 2020 (4) S.C.T 523**, has specifically and categorically held that ineligible Extension Lecturers have no right to continue working and that interim directions issued by the Court, cannot vest the said petitioners with any right. Division Bench of this Court in **Suman Devi's** case had formulated the following issues for consideration:-

“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 ineligible 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".?

It is observed by the Division Bench in **Suman Devi's** case

(Supra) as under:-

“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.”

It was held by the Division Bench in **Suman Devi's** case

(supra) that Policy dated 04.03.2020 did not suffer from any arbitrariness

and cannot be quashed on the ground that it declares those candidates ineligible, who do not possess NET, though appointed through validly constituted selection committee. Issue no.2 was decided against the petitioner and issue no.3 answered in favour of the State.

Argument raised by learned counsel for the petitioner that petitioner is entitled to relief on the basis of an interim order dated 10.11.2021 in LPA No. 814 of 2021, is clearly misconceived, hence rejected. This is so for the reason that it is specifically observed in order dated 10.11.2021 passed by the Division Bench of this High Court that appellants therein were in service up to the date of judgement under appeal.

In the present case, petitioner was admittedly relieved from service in the year 2013. No ground whatsoever has been set-forth to indicate the reasons for delay in raising any objection except to say that petitioner has been representing before the authorities for which firstly there is no substantiation and secondly it is a settled position of law that submission of repeated representations cannot keep a cause alive or revive it.

Learned counsel for the petitioner is unable to point out any ground, whatsoever, for interference in this writ petition for issuance of a direction to the respondents for waiver of a specific condition as contained in policy dated 04.03.2020 and to consider the petitioner, who was admittedly relieved in the year 2013, to be an eligible Displaced Extension Lecturer. Furthermore, the argument that 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 fallacious as learned counsel is firstly unable to point out any particular employee who is working other than under specific court orders. No similarly situated candidates engaged by the respondents have been pointed out. Furthermore, even if it be so, it is a

settled position that two wrongs cannot make a right. Petitioner can possibly reap no benefit therefrom. Learned counsel for the petitioner has candidly admitted that the petitioner cleared the UGC-NET subsequently. Therefore, at this stage, petitioner cannot be treated to be a Displaced Extension Lecturer.

No other argument has been raised.

Writ petition is, accordingly, dismissed with no order as to costs.

Needless to say, this order shall not be an impediment to the petitioner applying for engagement as an Extension Lecturer in terms of the policy dated 04.03.2020, if he be so covered thereunder.

19.04.2022

s.khan

**[LISA GILL]
Judge**

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