

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

CWP-12810-2020

Date of Decision: 05.07.2022

SHEELU KUMARI

..... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

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

Mr. Harish Nain, A.A.G., Haryana.

LISA GILL, J.

Petitioner in this case is admittedly an Extension Lecturer, who was appointed on the post of Assistant Professor in the subject of Chemistry on 05.02.2015 at Maharaj Neempal Singh Government College, Bhiwani. It is stated that she was married on 08.08.2019 with one Mr. Udit Chauhan. She wished to shift to Gurugram alongwith her husband. In the meanwhile, petitioner applied for maternity leave. She was blessed with a baby on 13.01.2020. It is stated that petitioner thereafter sent her joining report with the college at Bhiwani through e-mail on official e-mail i.d. on 07.05.2020. It is stated that petitioner sought transfer from Bhiwani to Dronacharya Government College, Gurugram and in this respect representation dated 08.08.2019 (Annexure P1) was submitted but to no avail.

Present writ petition was accordingly filed by the petitioner seeking a direction to the respondents to allow the petitioner to join with either of respondents no.3 to 5 on the post of Assistant Professor in the subject of Chemistry with further interim prayer that petitioner may be allowed to work from home during the then prevailing circumstances created by outbreak of pandemic COVID-19. The matter was adjourned on 26.08.2022 to enable learned counsel for the State to seek complete instructions and assist the Court. It was informed on 03.09.2020 that there is no provision for shifting/transfer of an Extension Lecturer from one place to another, therefore, request of petitioner cannot be considered, however, petitioner it was stated, can be permitted to continue to work from home in the given circumstances and necessary instructions in that regard were being issued. Thereafter, on 9th September, 2020, Co-ordinate Bench directed that it would be appropriate for competent authority to look into the question of provision for permitting change of station in case where a female Extension Lecturer after marriage is displaced to another place/district. Relevant part of order dated 09.09.2020 reads as under:-

“A perusal of the Policy Guidelines dated 04.03.2020 would not bar change of station although adjustment is said to be not permissible except in a particular situation as has been referred to by the learned State counsel, however, the ground realities and the facts of the life cannot be ignored altogether especially when the Extension Lecturers are generally young candidates who are looking forward for teaching in Government institutions. Obviously after getting an assignment and with the age, depending specially upon the society where they live, marriage of girls is one of the priorities of the parents. It is in pursuance thereto that most of the Extension Lecturers tend to get married. Obviously, after the marriage, as per our society and our customs, the girl has to generally move to the place where her husband is residing. Even the

Government has a policy for adjusting the couples on the same station as far as possible. With this exigency, which probably has not been looked into as the situation did not arise when the Policy Guidelines regarding engaging eligible Extension Lecturers to the Govt. Colleges dated 04.03.2020 were framed, it would be appropriate for a competent authority to look into this aspect and take a decision in this regard obviously permitting such change of station only in situations where place/vacancy as also the work requirement available.

Let this exercise be carried out within a period of two weeks”

Learned counsel for the State while furnishing copy of memo dated 24.05.2022 in Court today, submits that in case a female Eligible Extension Lecturer gets married in some other district, she would be entitled to submit a representation for re-engagement in the other district to Director General Higher Education, with a copy of marriage certificate along with residence proof of her spouse, within 2 months of marriage. Said representation for re-engagement of incumbent in a Government College of the district preferred/nearby district where vacancy/sufficient workload is available would be decided as per the seniority and provisions envisaged in policy dated 04.03.2020. Relevant provision as mentioned in memo dated 24.05.2022 reads as under:-

“In case a female Eligible Extension Lecturer gets married in some other district from the place where she is presently on engagement as Eligible Extension Lecturer she will send her representation for reengagement in other district to the Director General Higher Education, with a copy of the marriage certificate issued by the competent authority along with the residence proof of spouse within 2 months of marriage and DGHE will decide to reengage the incumbent in a Government College of the district preferred/nearby district where vacancy/sufficient workload is available as per the seniority and the provisions envisaged in policy dated 04.03.2020.”

Learned counsel for the State submits that petitioner can submit a representation for re-engagement in the other district in terms of the provisions as above and the same would be considered by the competent authority.

Learned counsel for the petitioner, however, submits that this provision is unjustified and unfair as petitioner and similarly situated persons would be discriminated against inasmuch as they would be treated to be junior most at the district where they are re-engaged and secondly there would be no assurance regarding their re-engagement.

Be that as it may, it is clear that shifting/transfer of Extension Lecturers is not permissible under the applicable policy. The petitioner is, however, at liberty to apply for re-engagement at district Gurugram in accordance with the policy as reflected in memo dated 24.05.2022. It is clarified that though it is mentioned in memo dated 24.05.2022 that representation for re-engagement should be made within two months of marriage, in case petitioner submits a representation in this regard within four weeks of receipt of certified copy of this order such objection be not raised qua the petitioner in the given factual matrix.

Writ petition is accordingly disposed of. Needless to say petitioner is at liberty to challenge the said provision/policy in accordance with law, if so advised.

05.07.2022

Sunil

(LISA GILL)
JUDGE

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