

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

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**CWP-7532-2021 (O&M)
Date of decision: 15.02.2023**

Reshu Kumari

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

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

Mr. Rajesh Gaur, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition is for issuance of a writ in the nature of Certiorari quashing the action of the respondents, whereby payment to the petitioner for the work done and duties discharged by her in respondent No.3-College, is not being made and the petitioner is not being adjusted as Extension Lecturer in Govt. College for Women, Badhra, District Charkhi Dadri, Haryana-respondent No.3 or any other College in the Subject of English, despite being eligible as per UGC norms, State Government Rules and adjustment Policies of the Government.

The short reply filed on behalf of respondent Nos. 1 to 3 and affidavit dated 10.10.2022 of the Director Higher Education, Haryana, are already on record.

Learned counsel for the petitioner submits that she joined as an Extension Lecturer (English) in respondent No.3-Govt. College for Women, Badhra, District Charkhi Dadri, on 01.09.2017, as in the panel prepared by the College she was at Sr. No.1; that the petitioner was made to discharge her

duties in the College up to 17.04.2018, but the experience certificate was issued by the Principal of the College to her only for the period 01.09.2017 to 31.12.2017; that however, many students stated on oath that the petitioner had taught them English for the Session 2017-18 and the affidavits of the students are at Annexures P-4 to P-11; that though at the time of her initial joining in the College, the petitioner was ineligible for appointment as regular Assistant Professor in the subject of English, yet during her service, she had obtained Ph.D. Degree in the subject of English from Singhania University Rajasthan; that the petitioner has passed her M.A. (English) with more than 60% marks and that in compliance of UGC (Minimum Standards and Procedures for Awards of M.Phil./Ph.D. Degree) Regulations, 2009, the petitioner is eligible for appointment as Assistant Professor/ Extension Lecturer in the subject of English in various Colleges and University Teaching Departments.

Learned counsel for the petitioner also points out that a request was also sent by the then Principal of the College to respondent No.2 for sanctioning the petitioner's engagement as Extension Lecturer in the subject of English; that this fact was in the knowledge of respondent Nos. 1 to 3; that the petitioner had taught in the College during the 2017-18 Session, but was not paid the salary therefor; that despite the fact that the petitioner is eligible for appointment/adjustment as Assistant Professor/ Extension Lecturer in the subject of English, she has not been adjusted in any of the Colleges after her disengagement from the College-respondent No.3 and that in this regard, the petitioner submitted representations dated 14.08.2019 and 23.02.2021 (Annexures P-12 and P-13), but instead of adjusting her, she was made to sign some documents by the authorities of the College under the garb that some enquiry is pending in her case.

Learned State counsel, while referring to the short reply dated 08.10.2022 filed by the respondents, submits that on receipt of representation(s) from the petitioner, the matter was inquired by the then Joint Director-II and it was found that neither the petitioner was engaged in the College at any point of time nor there was any record in the College, showing her engagement; that there were no signatures of the petitioner in the attendance register, meant for the teachers; that no communication was ever made by the College seeking permission to engage the petitioner as alleged by her; that the experience certificate (Annexure P-1), relied upon by the counsel for the petitioner, was issued by Dr. Satvir Singh, retired Principal, and that the retired official has no authority to issue an experience certificate as the same can only be issued on the basis of the official records from the Department.

I have heard the learned counsel for the parties and have also gone through the case file.

A perusal of the inquiry report annexed with the reply filed by the respondents, would reveal that neither the petitioner was engaged in the respondent-College at any point of time, nor there was any record therein showing her engagement. Even, no signatures of the petitioner were found in the attendance register meant for the teachers. No communication was ever made by the College seeking permission to engage the petitioner as alleged by the petitioner.

In the inquiry conducted against the petitioner, it was found as under:-

- 1. Dr. Reshu Kumari has submitted along with PUC her Ph.D. Certificate dated Dec.5, 2017. Whereas she claims to have taught in the session 2017-18. She has completed her Ph.D. degree from*

Singhania University Rajasthan.

2. *The then Principal (CDC) Dr. Satvir Singh has certified that she has taught UG classes of English at her own without any formal engagement at GCW, Badhra (Charkhi Dadri) during her tenure as Principal (CDC).*
3. *A notice was put on the notice board of the concerned college on 10.12.2019 that concerned students are hereby intimated to be present in the O/o Principal on 13.12.2019 regarding Enquiry matter related to Dr. Reshu Kumari. In response, on 13.12.2019, 8 students who had given the affidavit appeared for inquiry in the Principal Office regarding Inquiry matter related to Dr. Reshu Kumari. They all certified that they were taught by Dr. Reshu Kumari. These students were of different classes. Their statements regarding Dr. Reshu Kumari are attached herewith along with their attendance certificate. All of them testified that they had given affidavits regarding Reshu Madam she was there English teacher during session 2017-18. The names of these students who gave their statements before Inquiry Officer are Kumari Jyoti d/o Sh. Surender Singh, Kumari Jyoti d/o Sh. Ramphal, Kumari Preeti d/o Sh. Rajbir Singh, Kumari Preeti d/o Sh. Satypal, Kumari Savita d/o Sh. Chander Bhan, Kumari Anshu d/o Sh. Ramesh, Kumari Priyanka d/o Sh. Gunpal and Kumari Rekha d/o Sh. Surender Singh.*
4. *Documents relating to workload in English in 2017-18 relating to B.A. and B.Sc. stream was provided by Principal, GCW, Bahdra. It showed that there was requirement of 6 Lecturers in English whereas only one Lecturer in English was posted in the College. Copies of time table at that time were also provided by the Principal which showed that only one Lecturer in English was posted at that time in the College.*
5. *Copy of attendance register for the month of Oct.-2017 was also provided by current Principal, GCW, Badhra which showed that Dr. Reshu Kumari never signed in the attendance registered.*
6. *Further, a letter was provided by GCW, Badhra dated 18.10.2017 which was written by the Principal of the College to DGHE, Haryana regarding total no. of extension Lecturers engaged in the College in reference to Email of Higher Education Department dated 17.10.2017. The name of Dr. Reshu Kumari does not figure*

in the count of the information provided.

7. *In PUC, Dr. Reshu Kumari has stated that her case was sent for permission to be appointed as Extension Lecturer to DHE, Haryana in 2017-18. However, the record in the College in this regard was checked. The current Principal gave a statement in this regard during the inquiry that O/o the College did not make any correspondence with Higher Education Department regarding seeking permission for engaging Extension Lecturer in any subject from 01.08.2017 to 31.10.2017. The copy of dispatch register for this period are also attached herewith."*

As noticed above, there is no authentic proof on record, indicating that the petitioner had worked for the period in question with the respondent-College. It is very strange that the counsel for the petitioner has relied upon the experience certificate issued by a retired Principal. The said certificate, cannot be relied upon to adjudicate upon the issue at hand, especially when during inquiry proceedings, no substance was found in the claim of the petitioner. Also, a retired official has no authority or competence to issue such certificate as he has no access to the relevant records of the department nor has any authority to deal with the same.

The present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

15.02.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No