

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

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**CWP No.8242 of 2021
Date of Decision : 15.12.2023**

*Satyavart**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. S.K. Kaushik, Advocate, for the petitioner

Mr. Suneel Ranga, DAG, Haryana

None for respondents no.3 and 4

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the letter dated 21.9.2020, Annexure P-14, disengaging the petitioner from service as Extension Lecturer in Mass Communication. Further, a writ of *mandamus* has been sought directing the respondents to allow the petitioner to continue in service till regular appointments are made or workload is available.

2. Learned counsel for the petitioner contends that the petitioner is fully qualified to be appointed as Extension Lecturer in Journalism as she has been awarded degree of M.A. in Journalism with 56.40 per cent marks, and has cleared National Eligibility Test (NET) also as per certificate dated 21.1.2013, Annexure P-2. On that account she was engaged as Extension Lecturer in the 5th respondent/Government Post Graduate Nehru College, Jhajjar, on 5.10.2015 and worked there as such

till passing of the impugned order. He has relied upon the UGC notification dated 18.7.2018, as adopted by the State Government vide memo dated 11.11.2022, whereunder requisite qualification for appointment as Assistant Professor in Universities and Colleges is, MA with good academic record, i.e., at-least fifty five per cent marks and NET qualified certificate. The petitioner fulfills these qualifications, therefore, the impugned order is not sustainable.

3. Learned State counsel, on the contrary, contends that at the time of passing of the impugned order, the petitioner was not qualified to be appointed as Extension Lecturer, since her academic record was not good. As per Haryana Education (College Cadre) Group-B Service Rules, 1986, (for short 'the Rules') the criteria for determining good academic record was as under:

- a) For determining good academic record a candidate should either have average of 55% marks in two of the three examinations (now below Matric or equivalent) prior to Master's degree or 50% marks in each of these two examinations separately.

Since the petitioner did not have good academic record as per the criteria, she was rightly considered ineligible for appointment, and was accordingly disengaged from service in terms of 'Policy guidelines regarding engaging Eligible Extension Lecturers in Government Colleges purely on work requirement basis' (for short 'the Policy') dated 4.3.2020. He however, does not dispute that the aforesaid UGC notification has been adopted by the State Government on 11.11.2022.

4. Heard.

5. Concededly, at the time of passing the impugned order, dated

21.9.2020, the petitioner was not eligible for appointment as Extension Lecturer for want of good academic record as per the criteria under the Rules. Therefore, she had no right to continue in service, and no exception can be taken to the impugned order disengaging her in terms of the Policy dated 4.3.2020.

6. However, during pendency of the petition, the State Government has adopted the UGC notification dated 18.7.2018, vide memorandum dated 11.11.2022. It is claimed that in terms of this notification, the criteria for determining good academic record is minimum fifty-five per cent marks in Masters degree; since the petitioner fulfills the same, she is to be considered eligible in terms thereof.

7. Accordingly, the petition is disposed of directing the second respondent to consider the petitioner's eligibility for engagement as Extension Lecturer in terms of the UGC notification dated 18.7.2018, as per Policy dated 4.3.2020, as and when application for the purpose is made by her. The application is to be decided by passing a reasoned order in accordance with law, within two months of receiving the same.

8. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

15.12.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No