

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

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CWP-6474-2023 (O&M)

Date of Decision: 27.03.2023

BALRAM AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravinder Bangar, Advocate
for the petitioners.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing respondents No.2 to 9 not to dispense with the services of the petitioners.

Learned counsel for the petitioners contends that pursuant to the advertisement dated 19.01.2022 (Annexure P-1) issued by Haryana Kaushal Rozgar Nigam Limited, the petitioners applied for various posts and were appointed as such in December, 2022; that they were given the deployment offer letters; that most of the petitioners had already joined their services and had been performing their duties for the about last three months and that, however, now the Principals of the concerned Schools are neither allowing the petitioners to continue with their services nor to join the same.

Learned counsel for the petitioners draws the attention of this Court towards the communication dated 07.12.2022 (Annexure P-6) written by the Addl. Chief Secretary to Govt. Haryana, to Chief

Executive Officer, Haryana Kaushal Rozgar Nigam, qua eligibility of teachers having HTET certificate.

In support of his contentions, learned counsel for the petitioners relies upon the order dated 13.03.2023 passed by this Court in CWP-29118-2022 titled as Sumitra Devi and others vs State of Haryana and others.

Notice of motion.

On the asking of this Court, Mr. RS Budhwar, Additional AG Haryana, accepts notice. He submits that petitioners are not having the requisite qualifications in pursuance of the letter dated 07.12.2022 (Annexure P-6) and, therefore, they have rightly been debarred to continue with their services.

I have heard the learned counsel for the parties.

This Court in Sumitra Devi's case (supra) has already decided the issue involved herein.

Admittedly, respondent No.3 had issued the deployment offer letters to the petitioners for the various posts in various subjects. The same has been set up by the Government with an objective of providing contractual manpower to all the government entities in Haryana. In pursuance of the deployment offer letters, most of the petitioners have already joined their services.

It is conceded position that once a person is appointed, even on contractual basis, he cannot be relieved of the service without giving any opportunity of hearing.

In view of the above, the concerned authorities i.e. the Director, Elementary Education, Haryana (respondent No.4) and the Chief Executive Officer, Haryana Kaushal Rozgar Nigam Limited (respondent No.3), are directed to allow the petitioners to join their services or to continue with the same unless their services are required by the Department or the expiry of term of deployment period as mentioned in the offer letter(s).

Needless to mention here that if any action is taken against the petitioners qua discontinuing with their services, proper opportunity of hearing would be provided to them.

Disposed of in the above mentioned terms.

27.03.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>