

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

**COCp-2832-2023 (O&M)
Date of decision: 06.10.2023**

Sneh Lata

...Petitioner

Versus

Rajiv Rattan

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Tejpal Dhull, Advocate
for the petitioner.

Mr. Harsh Vardhan Shehrawat, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner is alleging violation of the order dated 20.07.2023, passed by this Court in **CWP-8976-2023**, which reads as under:

“This petition has been filed seeking a direction to consider the petitioner eligible for adjustment as displaced Extension Lecturer and allow her to join on the post of Extension Lecturer/Assistant Professor in the subject of Physics as workload for the post is there in many Government Colleges.

2. Learned counsel for the petitioner contends that the petitioner is a displaced Extension Lecturer, and is eligible for appointment. His request for adjustment in some other College in terms of Clause 20 of the policy dated 04.03.2020 (Annexure P-11) was not considered on account of the condition that displaced Extension Lecturers seeking adjustment should have earned Ph.D. or qualified National Eligibility Test (NET) on or before 04.03.2020. The said condition has been stayed by a Division Bench of this Court in CWP No.11653 of 2023, vide order dated 26.05.2023.

3. In these circumstances, learned counsel prays that he may be permitted to withdraw the petition with liberty to approach respondent No.2 seeking appointment as displaced Extension

Lecturer in terms of the policy. His representation, Annexure P-18, is already pending and that can be decided by keeping in view the stay granted by this Court vide order dated 26.05.2023.

4. Learned State counsel does not dispute the fact that the said condition has been stayed by this Court and as on date, there is no requirement for the displaced Extension Lecturers to possess either Ph.D. and NET on or before 04.03.2020, And the pending representation will be considered and decided keeping in view the stay granted.

5. In view thereof, without expressing any opinion on the merits of the case, the petition stands disposed of with a direction to respondent No.2 to consider and decide the petitioner's pending representation, dated 03.08.2022 (Annexure P-18), by passing a speaking order within a period of four weeks from the date of receipt of certified copy of the order."

Learned counsel for the petitioner submits that despite aforesaid directions to decide the representation of the petitioner, the same has been decided by the respondent in a manner, which is not in consonance with the order passed by the writ Court.

Learned State counsel, on the basis of the affidavit of the respondent-Director Higher Education, Haryana, filed today in Court, submits that on verification of the facts, it was found that the petitioner was initially appointed as ineligible Extension Lecturer in the subject of Physics at Govt. College for Women, Gurawara on 02.02.2015 due to non-availability of regular Assistant Professors and Eligible Extension Lecturers and continued to work in the said college with certain breaks till 31.05.2018. It is further submitted that the petitioner thereafter left the college on her own without any intimation to the college authorities and she

remained absent from the college for a long period.

It is further submitted that the Department has issued a consolidated policy for governing the services of Extension Lecturers on 04.03.2020, which provides that only qualified/eligible persons shall be engaged as Extension Lecturers and the ineligible persons working on the posts of Extension Lecturer shall be removed from service after coming into force of the policy on 04.03.2020.

Learned State counsel further submits that as per Clause 21 of the policy, only a person, who has acquired the qualification of NET/Ph.D. as per UGC norms, on or before the issuance of the policy dated 04.03.2020 and has worked as an Eligible Extension Lecturer for at least one semester/90 days in one academic year but was relieved due to less workload/joining of regular Assistant/Associate Professors by way of transfer or deputation or fresh appointment, may be adjusted and may be considered as Displaced Extension Lecturer. It is, thus, stated that the case of the petitioner does not fall within the criteria laid down in the aforesaid policy.

In view of the above, no case of any willful disobedience is made out against the respondent.

Accordingly, the present petition is dismissed.

Rule stands discharged.

06.10.2023

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No