

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

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**CWP No.23585 of 2023
Date of Decision : 17.10.2023**

*Dr. Navita**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Nitin Jain, Advocate and
Mr. Ayush Gupta, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed, *inter alia*, quashing the order dated 6.4.2023; and for a direction to respondent no.2 to re-engage the petitioner in respondent no.3-College, wherefrom she was relieved or at respondents no.4 or 5 Colleges where vacancy exists.

2. As per facts on record, the petitioner was working as Extension Lecturer in the subject of History in the respondent no.3 College from 15.8.2012 to 12.4.2013 and from 12.10.2013 to 18.4.2014, which is apparent from the document, 'Displaced Eligible Extension Lecturer Form', signed by the Principal, Annexure P-4. She was awarded a degree of Doctor of Philosophy on 8.4.2019, Annexure P-12.

3. Learned counsel for the petitioner contends that the Policy Guidelines, dated 4.3.2020, regarding engaging Extension Lecturers in Government Colleges, were amended vide notification dated 11.5.2022, Annexure P-8. The petitioner possesses Ph.D. degree, awarded prior to

4.3.2020, and has worked for more than one semester and ninety days in an academic year. Therefore, in terms of the amended notification she fulfills the requirements and has a right to be considered for re-adjustment, which has been wrongly declined by the respondents in passing the impugned order. Her candidature has been rejected on the basis of un-amended guidelines, which is unsustainable.

4. Notice of motion.

5. Ms. Tanushree Gupta, DAG, Haryana, appearing on advance notice, contends that the petitioner is not entitled to re-adjustment in terms of the Policy Guidelines, dated 4.3.2020, since she is not a displaced Extension Lecturer in terms thereof.

6. Heard.

7. It is apparent on record that the Policy Guidelines dated 4.3.2020 stand modified/amended vide subsequent notification dated 11.5.2022. This amended notification has been considered by this Court in CWP No.5117 of 2022 titled *Nutan v. State of Haryana and others*, holding thus:

6. Reading of the amended policy guidelines, dated 11.5.2022, show that an Extension Lecturer, who has acquired qualification of NET, Ph.D as per UGC norms on or before the date of notification of the policy, i.e., 4.3.2020, and worked as such for a minimum period of one semester or ninety days in an academic year, will be treated eligible for re-adjustment...

7. It cannot be said that only because the petitioner has not been relieved on account of less workload, she is not to be treated as Displaced Extension Lecturer nor considered for re-adjustment. The amended guidelines, dated 11.5.2022, show the existing provision in the policy, dated 4.3.2020, requiring that only an eligible Extension Lecturer who is relieved due to less workload/joining of regular

Assistant Professor on or after 1.7.2014, is to be considered displaced and entitled to re-adjustment, has been replaced by the amended provision whereby such condition has been done away with. The amended provision only requires that Extension Lecturer must have acquired eligibility and worked for minimum period of one semester or ninety days in one academic year to be entitled for re-adjustment. The petitioner fulfills these requirements, as discussed hereinabove, and becomes so entitled.

8. In the instant case, the petitioner has undisputedly worked as Extension Lecturer for more than one semester and ninety days in academic year 2012-13 as well as 2013-14, as per details mentioned hereinbefore. Besides, she has acquired Ph.D. degree also prior to the date of notification of the policy, 4.3.2020. Therefore, she fulfills both the requirements as per the amended policy guidelines, dated 11.05.2022, to be entitled for re-adjustment as Extension Lecturer. The impugned order has been passed by completely ignoring the same, and therefore becomes untenable.

9. In view thereof, the impugned order dated 6.4.2023 is set aside and respondent no.2 is directed to consider the petitioner for re-adjustment as Extension Lecturer in History against available vacancy in terms of the Policy Guidelines dated 4.3.2020, as amended vide notification dated 11.5.2022, and pass an appropriate order to that effect within a period of six weeks from receiving a certified copy of this order.

(TRIBHUVAN DAHIYA)
JUDGE

17.10.2023

Ashwani

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