

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

109

CWP-24822-2023

Date of Decision: 16.11.2023

Sneh Lata

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

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

Mr. Sanjeev Kaushik, Addl. AG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 18.09.2023, Annexure P-20, wherein petitioner's representation seeking adjustment as Displaced Extension Lecturer/Assistant Professor in Physics has been rejected.

2. As per facts apparent on record, the petitioner worked as Extension Lecturer from 17.04.2016 to 31.05.2018 in Government College for Women, Gurawara, Rewari; the experience certificate in that regard is, Annexure P-1. She was later relieved from duty on account of less workload, as stated in the reasons for discontinuation given by the concerned Principal, Annexure P-21. Although the petitioner was initially engaged as ineligible Extension Lecturer, she gained eligibility after being relieved from the duty

by clearing National Eligibility Test (NET) on 28.10.2022; a certificate to that effect dated 29.11.2022, Annexure P-3, was issued to her.

3. Earlier, she approached this Court by filing a writ petition, CWP-8976-2023, seeking a direction to consider her for adjustment as Displaced Extension Lecturer as workload for the subject was there in many Government Colleges. During hearing of the petition, learned State counsel made a statement that the condition in the Policy, dated 04.03.2020, requiring the candidates to possess either Ph.D. or NET on or before 04.03.2020, which has been stayed by a Division Bench of this Court, vide order dated 26.05.2023 passed in CWP-11653-2023, will not be insisted upon while deciding of her representation for adjustment. In view of the statement made, the petition was disposed of vide order dated 20.07.2023, Annexure P-19, directing respondent No.2 to consider and decide the representation by passing a speaking order.

4. In compliance of the direction, impugned order dated 18.09.2023 has been passed by the second respondent rejecting the petitioner's claim on the ground that she has acquired eligibility/NET certificate in the year 2022, i.e., after 04.03.2020 and, therefore, cannot be considered for adjustment as eligible Extension Lecturer.

5. Learned State counsel has argued that the Policy, dated 04.03.2020, for engagement/adjustment of Extension Lecturers has been upheld by a Division Bench of this Court in CWP-6968-2020 vide judgment dated 22.09.2020, against which SLP Nos.6738-6739 of 2022 filed before the Supreme Court has also been dismissed vide order dated 09.01.2023. The

Policy requires the applicants to acquire NET or Ph.D. prior to 04.03.2020 to be eligible for adjustment. Therefore, the petitioner has rightly been considered ineligible.

6. Learned counsel for the parties have been heard.

7. The reliance placed upon a Division Bench judgment of this Court, dated 22.09.2020, upholding the policy, dated 04.03.2020, as also the order, dated 09.01.2023, dismissing the SLP filed against it is misplaced since the condition requiring the candidates to possess eligibility on or before the date of the Policy, 04.03.2020, was incorporated by a subsequent amendment vide memo dated 13.05.2023. This memorandum is under challenge before a Division Bench in CWP-11653-2023, wherein till further orders operation of the memorandum has been stayed vide interim order, dated 26.05.2023, Annexure P-22, and the same has not been vacated as the petition is pending for 22.01.2024.

8. In view thereof, there was no basis for the respondents to consider the petitioner's case for re-adjustment by insisting upon the condition incorporated in the memorandum, dated 13.05.2023, regarding possessing NET prior to 04.03.2020. The condition is not in operation, on account of the stay granted on it, and cannot be insisted upon. Therefore, the petitioner is entitled to seek adjustment as Displaced Extension Lecturer in terms of the Policy subject to final outcome of the petition, CWP-11653-2023.

9. Accordingly, the petition is allowed, and the second respondent/ Director General, Higher Education, Haryana, is directed to consider the petitioner for re-adjustment as Displaced Extension Lecturer in Physics in

terms of the Policy, subject to outcome of the aforementioned petition, within four weeks from receiving a certified copy of this order.

(TRIBHUVAN DAHIYA)
JUDGE

16.11.2023

Payal

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