

CWP-29118-2022 and connected petitions

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

Date of decision: 13.03.2023

1. CWP-29118-2022 (O & M)

Sumitra Devi and others

...Petitioners

Versus

State of Haryana and others

.....Respondents

2. CWP-30195-2022 (O & M)

Rakesh Kumar and another

...Petitioners

Versus

State of Haryana and others

.....Respondents

AND

3. CWP-30226-2022 (O & M)

Sanjay Kumar and another

...Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ravinder Bangar, Advocate,
for the petitioners in all the petitions.

Mr. Sunil Kumar Vashisth, DAG, Haryana and
Mr. Rohit Arya, DAG, Haryana.

CWP-29118-2022 and connected petitions

HARNARESH SINGH GILL, J. (ORAL)

All these writ petitions can be conveniently disposed of by a common judgment since they raise an identical question of law and facts as to whether the concerned authorities could have denied (though orally) the petitioners to join their duties or to continue with the same, when they were offered appointment as per rules. However for the sake of reference, the pleadings are being taken from CWP-29118-2022.

Learned counsel for the petitioners contends that the petitioners were appointed Trained Graduate Teachers (TGTs) on contractual basis by the Haryana Kaushal Rozgar Nigam Limited; 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 07 days or 15 days, and that however, the Principals of the concerned schools are not allowing the petitioners to continue with their services or 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.

On the other hand, learned State counsel submits that the 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.

CWP-29118-2022 and connected petitions

I have heard the learned counsel for the parties.

Respondent No.3-Haryana Kaushal Rozgar Nigam, who had issued the deployment offer letters to the petitioners for the post of TGTs in various subjects, has been set up by the Government with the objective of providing contractual manpower to all govt. entities in Haryana. In pursuance of the deployment offer letters, most of the petitioners have already joined their services. However, the Principals of concerned schools are not allowing the petitioners to continue with their services or to join their services. Once a person is appointed even on contractual basis, he cannot be relieved of the service without giving any opportunity of hearing.

So far as the letter communication dated 07.12.2022 (Annexure P-6), relied upon by the learned State counsel, is concerned, it is a communication between two departments, but has nothing to do with the deployment offer letters issued to the petitioners by respondent No.3 after scrutiny of their documents. Moreover in pursuance of the deployment offer letters, most of the petitioners have been performing their duties.

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

CWP-29118-2022 and connected petitions

hearing would be provided to them.

Disposed of in the above mentioned terms.

13.03.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No