

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

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CWP-24108-2018 (O&M)

Date of Decision: 24.01.2023

SUBHASH BALHARA

... Petitioner

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Sajjan Singh, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks issuance of a writ in the nature of Certiorari/Mandamus quashing the seniority list dated 17.11.2017 and the order dated 03.04.2018 (Annexures P-5 and P-6), respectively.

Learned counsel for the petitioner submits that the only controversy in the present case is that the petitioner has been designated as Associate Professor, whereas respondent No.4 as Assistant Professor and that the petitioner has been shown as junior to respondent No.4. In support of his contentions, learned counsel for the petitioner relies upon the Regulations dated 30.06.2010 issued by University Grant Commission (UGC) relating to the minimum qualifications for appointment of teachers and other academic staff in the Universities and Colleges and measures for the maintenance of standards in higher education, which was adopted by the Government of Haryana vide communication dated 21.07.2011 (Annexure P-2).

Learned counsel for the petitioner further submits that vide order dated 13.01.2016, respondent No.4 was conferred with the powers of Drawing and Disbursing Officer, in Government College, Meham and that the petitioner filed objection against the said order vide letter dated 03.03.2016 (Annexure P-8), but to no avail. He further submits that a similar controversy arose in the State of Punjab and the Joint Secretary to Government of Punjab, vide communication dated 26.02.2015 had sought clarification regarding UGC guidelines dated 30.06.2010 with regard to promotion to the posts of Principal of Government Colleges and that vide letter dated 11.03.2015, the Joint Secretary, Government of India, had clarified the said issue but the same has not been adhered to by the Department concerned.

On the other hand, learned State counsel submits that the petitioner joined the Department on 19.12.2001 as Lecturer (now Assistant Professor) in History, whereas respondent No.4 joined on 18.12.2001 as Lecturer in Geography i.e. a day prior to the petitioner. She further submits that as per the merit list dated 01.01.2004, the name of the petitioner figured at serial No.1896 and respondent No.4 at serial No.1811 and as per the merit list dated 01.07.2008, the name of the petitioner figured at serial No.130 and respondent No.4 at serial No.41 and that both the merit lists were also published by the Haryana Public Service Commission. Still further, it is submitted that as per Rule 11 of Haryana Education (College Cadre), Group B Services, Rules, 1986, which relates to the seniority, the claim of the petitioner is not tenable.

Learned State counsel further submits that the seniority list impugned herein, wherein the petitioner has been shown at serial No.1077 and respondent No.4 at serial No.992, is a tentative seniority list and not a final one and that the objections against the said list are invited and the final list will be prepared after considering the objections, if any. She further submits that as far as representation dated 03.03.2016 is concerned, the Department has never received the same.

I have heard the learned counsel for the parties.

As noticed above, the petitioner joined the Department on 19.12.2001 as Lecturer (now Assistant Professor) in History, whereas respondent No.4 joined on 18.12.2001 as Lecturer in Geography i.e. a day prior to the petitioner. As per the learned State counsel, the seniority list, which is under challenge, is a tentative one and objections qua the same have also been called and the final seniority list will be prepared after taking into consideration the objections, if any.

In view of the above, the petitioner or the other similarly situated candidates (Associate Professors, Assistant Professors or Professors) are at liberty to file objections regarding the seniority list impugned herein, if so advised, within 45 days from today. On their doing so, respondent No.1-Additional Chief Secretary, is directed to decide the same by passing a speaking order and then prepare the final seniority list, within a period of six months thereafter, as per law.

Disposed of in the above terms.

24.01.2023
Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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