



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

203

CWP-11133-2000(O&M)
Date of Decision: 27.11.2024

VIRENDER SINGH

.... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R. K. Malik, Sr. Advocate with
Mr. Anshul Labana, Advocate
for the petitioner.

Mr. Harish Rathi, Sr. DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the termination order dated 01.09.2000, Annexure P-8; and directing the respondents to allow the petitioner to continue working as Hindi Teacher on adhoc basis till regular appointment.

2. As per facts in brief, the petitioner was appointed as Hindi Teacher on adhoc basis for six months or till the regular appointments were made, vide office order dated 10.01.1997, Annexure P-1; pursuant thereto, he joined service with effect from 16.01.1997. Necessary qualification for the post of Hindi Teacher as per the Service Rules was, Matric pass, Prabhakar (Honours in Hindi) from recognised University and Language Teacher Course (LTC) (Oriental Training in Hindi) conducted by the Haryana Education Department or equivalent qualification. However, at the time of joining service, the petitioner had passed matriculation examination and Prabhakar (Honours in Hindi) as well; the qualification of LTC was passed by him during service in September, 1998, as per certificate dated



were terminated vide impugned order dated 01.09.2000, in terms of instructions, dated 17.09.1997, Annexure R-1, notified by the Department to comply with the directions issued by this Court vide order dated 16.05.1997 passed in CWP-16320-1996 titled *Ram Bhagat Sharma and others v. State of Haryana and others*.

3. In this factual background, learned senior counsel for the petitioner contends that the petitioner was illegally terminated from service in purported compliance of directions issued in *Ram Bhagat Sharma* case. Whereas, in terms therewith he was entitled to continue in service, as he had acquired the requisite qualification within three years of joining service. There was accordingly no reason to terminate him on the basis of qualification of OT obtained from Hindi Sahitya Sammelan, Allahabad, based upon which he was initially appointed. The qualification had lost significance after the decision in *Ram Bhagat Sharma* case. He further contends that after termination from service, the petitioner has been regularly appointed as Hindi Teacher in the Department by way of fresh selection with effect from 30.10.2000; in case his termination is set aside, he will be entitled to additional increments on the basis of adhoc service rendered prior thereto.

4. *Per contra*, learned State counsel contends that the petitioner did not fulfill the requisite qualifications for the post of Hindi Teacher because he had passed LTC from Hindi Sahitya Sammelan, Allahabad, which was not recognised by the Haryana Education Department. This Court, vide order dated 16.05.1997 in *Ram Bhagat Sharma* case, specifically directed the Government to take steps for terminating the services of all such teachers who had secured employment on the basis of certificate issued by the Sammelan. In terms thereof instructions were issued by the Department,



dated 17.09.1997, that such unqualified teachers were to be terminated from service.

5. Submissions made by the learned counsel for the parties have been considered.

6. It is apparent on record that the petitioner was appointed as Hindi Teacher on adhoc basis with effect from 16.01.1997. He acquired the requisite qualification of LTC from District Teachers Training Institute, Mahendergarh, Haryana, in 27.11.1998, still his services were terminated vide the impugned order 01.09.2000 statedly as per directions issued by this Court in *Ram Bhagat Sharma* case on 16.05.1997. Accordingly, the petitioner had rendered more than three years' service on the date of termination, and had acquired the requisite qualification as well prior thereto.

6.1. The only issue requires consideration is, whether services of the petitioner have been terminated in terms of directions issued by this Court in *Ram Bhagat Sharma* case which are as under:

25. ...In the result, the writ petitions are dismissed. With a view to protect the interest of the students community, we direct the Government of Haryana to take steps to prevent future recruitment of persons possessing qualifications awarded by Hindi Sahitya Sammelan, Allahabad, and/or Hindi Sahitya Sammelan, Prayag, Allahabad, and at the same time take appropriate measures to dispense with the services of unqualified teachers. For this purpose, the Government of Haryana is directed to issue written instructions to all concerned that in future no appointment be given to the persons possessing qualifications by the institutions referred to here-in-above. We also direct the Government of Haryana to take steps for terminating the services of all such teachers who have secured employment on the basis of degree/diplomas/certificates issued by the Hindi Sahitya Sammelan, Allahabad and/or Hindi Sahitya Sammelan, Prayag, Allahabad. However, those who



have completed three years service should be given an opportunity to acquire the requisite qualification within a stipulated time. In case they fail to acquire such qualification, then appropriate order be passed to dispense with the services of such persons.

6.2 It is apparent that this Court directed the Government to prevent future recruitment of persons possessing qualifications awarded by Hindi Sahitya Sammelan, Allahabad, and also take appropriate measures to dispense with the services of such unqualified teachers who had secured employment on the basis of degree/diplomas/certificates issued by the Sammelan. Those of the appointees who had completed three years of service, however, were to be given an opportunity to acquire the requisite qualification within a stipulated time; only on failure to do so their services were to be dispensed with. Since these directions were issued on 16.05.1997, to claim protection in terms thereof an employee had to complete three years' service on that date. Undisputedly, the petitioner neither had three years' service as on 16.05.1997, nor had he acquired the requisite qualification by that time. Therefore, no exception can be taken to the impugned order terminating his service.

7. In view thereof, there is no merit in the petition and it stands dismissed.

8. Pending miscellaneous application(s), if any, shall also stand(s) dismissed as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

27.11.2024
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