

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(120)

LPA-736-2024 (O&M)
Decided on : 18.03.2024

State of Haryana & others

.....Appellant(s)

Versus

Sneh Lata

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Mr.Deepak Balyan, Addl.A.G., Haryana, for the appellants.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-1817-LPA-2024

1. Application for condoning the delay of 88 days in filing the present appeal is allowed, in view of the averments made in the application duly supported by affidavit of the official. Delay of 88 days in filing the present appeal is hereby condoned.

2. CM stands disposed of.

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3. Consideration in the present appeal is to the judgment dated 16.11.2023 passed in CWP-24822-2023 whereby the writ petition was allowed and directions were issued to consider the writ petitioner for re-adjustment as Displaced Extension Lecturer in Physics in terms of the policy subject to the final outcome of CWP-11653-2023 titled *Mahesh Kumar & others Vs. State of Haryana & others*.

4. The reasoning which weighed with the Learned Single Judge was that the writ petitioner had gained the eligibility after being relieved from duty by clearing National Eligibility Test (NET) on 28.10.2022 and the certificate to that effect was issued to her on 29.11.2022 (Annexure P-3). Only on account of the fact that she was possessing the said certificate after 04.03.2020 as per the policy, her case was rejected. The said cut-off having been stayed by the order of the Division Bench on 26.05.2023 in Mahesh Kumar (supra) accordingly it was held that it would not be a reason to reject the case of the writ petitioner. Resultantly, order dated 18.09.2023 (Annexure P-20) wherein the case of the writ petitioner had been rejected was set aside and fresh consideration was ordered, as noticed above.

5. A perusal of the impugned order passed by the Director, Higher Education, Haryana would go on to show that admittedly the writ petitioner was working as Extension Lecturer in the subject of Physics at Government College for Women, Gurawara since 02.02.2015. Due to non-availability of regular Assistant Professors and eligible Extension Lecturers and she continued working in the said college with certain breaks falling in between different academic sessions and worked there till 31.05.2018 and thereafter left the college. Thereafter, the policy dated 04.03.2020 (Annexure P-11) came into force wherein it was provided that only persons who worked as eligible Extension Lecturers for at least one semester but were relieved due to less workload till the joining of regular Assistant/Associate Professors by way of transfer/deputation or fresh appointment on or after 01.07.2014 were to be adjusted and to be considered as Displaced Extension Lecturers.

6. It is not disputed that the said instructions were upheld by the Division Bench in **Suman Devi Vs. State of Haryana & others, 2020 (4) SCT 523** wherein under issue No.1, it was held that the policy did not suffer from arbitrariness and cannot be quashed as it declares those candidates ineligible who do not possess NET although they were appointed through validly constituted selection committee and the minimum eligibility condition was NET and any exemption would compromise the excellence of teaching standards. The said judgment was further upheld by the Apex Court in SLP (C) No(s). 6738-6739/2022 on 09.01.2023.

7. Apparently, vide amendment made on 13.05.2023, the Displaced Eligible Extension Lecturers were classified as ones who cleared the eligibility on or before 04.03.2020. It is not disputed that the said clause is subject matter of challenge in Mahesh Kumar (supra) and was stayed vide interim order dated 26.05.2023 on the ground that it was irrational and was not supported by a valid reason as to why people who obtained such eligibility after 04.03.2020 would not be eligible and what was the significance of the said date vis-à-vis the eligibility of the candidates who were working as Extension Lecturers. It was in such circumstances, the Director, Higher Education, Haryana had rejected the case on the ground that the writ petitioner had not worked as an Extension Lecturer even for a single day having obtained the qualification of NET in the year 2022 i.e. after the policy dated 04.03.2020 and when she was not in service.

8. In such circumstances, we are of the considered opinion that once the cut-off date has been stayed upon which reliance has been placed in the impugned order and passed prior to when the order was passed by the

authorities, the said order cannot be sustained as the authorities had to take into consideration the said fact. Resultantly, keeping in view the above, we are of the considered opinion that the reasoning which has been arrived at by the Learned Single Judge does not suffer from any infirmity as it is for the State to make best use of the duly qualified person who are seeking employment as Extension Lecturers.

9. Accordingly, in view of the above discussion, the present appeal is dismissed in limine. All pending application(s) also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

18.03.2024
Sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No