

106 (15 cases)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. LPA-592-2022 (O&M)
in CWP-24619-2021
Date of Decision:22.04.2024

NEERAJ BHARDWAJ ALIAS NEERAJ
STATE OF HARYANA AND OTHERS
..... Appellant(s)
V/S
.....Respondents

2. LPA-814-2021 (O&M)
in CWP-18958-2020

AMRIT KAUR
STATE OF HARYANA AND OTHERS
... Appellant(s)
V/S
.....Respondents

3. LPA-823-2021 (O&M)
in CWP-9500-2021

PINKI RANI
STATE OF HARYANA AND OTHERS
..... Appellant(s)
V/S
.....Respondents

4. LPA-824-2021 (O&M)
in CWP-459-2021

INDERJEET KAUR
STATE OF HARYANA AND OTHERS
..... Appellant(s)
V/S
.....Respondents

5. LPA-825-2021 (O&M)
in CWP-179-2021

AMBIKA SANGA AND OTHERS
STATE OF HARYANA AND OTHERS
..... Appellant(s)
V/S
.....Respondents

6. LPA-845-2021 (O&M)
in CWP-22185-2020

ANJU KUMARI
STATE OF HARYANA AND OTHERS
..... Appellant(s)
V/S
.....Respondents

7. LPA-910-2021 (O&M)
in CWP-22617-2020

PREETI
STATE OF HARYANA AND OTHERS
..... Appellant(s)
V/S
.....Respondents

LPA-592-2022 (O&M) in CWP-24619-2021
and other connected cases

Page 2 of 9

	8.	<u>LPA-935-2021 (O&M)</u> <u>in CWP-1195-2021</u>	
NITTIKA		 Appellant(s)	
		V/S	
STATE OF HARYANA AND OTHERS		Respondents	
	9.	<u>LPA-918-2021 (O&M)</u> <u>in CWP-19035-2020</u>	
POOJA DEEP SEHGAL		 Appellant(s)	
		V/S	
STATE OF HARYANA AND OTHERS		Respondents	
	10.	<u>LPA-682-2022 (O&M)</u> <u>in CWP-459-2021</u>	
ANNU RANI		 Appellant(s)	
		V/S	
STATE OF HARYANA AND ORS		Respondents	
	11.	<u>LPA-664-2020 (O&M)</u> <u>in CWP-14894-2020</u>	
MOHITA SHARMA AND ORS		 Appellant(s)	
		V/S	
STATE OF HARYANA AND ORS		Respondents	
	12.	<u>LPA-272-2021 (O&M)</u> <u>in CWP-17152-2020</u>	
HARJIT KAUR		 Appellant(s)	
		V/S	
STATE OF HARYANA AND OTHERS		Respondents	
	13.	<u>LPA-570-2021(O&M)</u> <u>in CWP-17310-2020</u>	
SUBHASH CHANDER		 Appellant(s)	
		V/S	
STATE OF HARYANA AND OTHERS		Respondents	
	14.	<u>LPA-650-2022 (O&M)</u> <u>IN CWP-14538-2021</u>	
INDERJEET		 Appellant(s)	
		V/S	
STATE OF HARYANA AND OTHERS		Respondents	

LPA-592-2022 (O&M) in CWP-24619-2021
and other connected cases

Page 3 of 9

15. LPA-705-2023 (O&M)
IN CWP-24420-2021

POONAM **Appellant(s)**
V/S
STATE OF HARYANA AND OTHERS **Respondents**

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.**
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA.

Present Mr.Suresh Kumar Kaushik, Advocate
for the appellant in LPAs 814, 823, 824, 825 and 845 of 2021,
LPA-570 of 2021, LPA-592-2022 and LPA-272-2021.

Mr. Dalbir Singh, Advocate and
Ms. Manju Sharma, Advocate
for the appellant in LPA-682-2022.

Ms. Santosh Mijlani, Advocate
for the appellant in LPA-705-2023.

Mr.Rakesh Nagpal, Advocate
for the appellant in LPA-935-2021.

Mr. Arvinder Arora, Advocate
for the appellant(s) in LPA-910-2021 and LPA-918-2021.

SANJEEV PRAKASH SHARMA, J. (Oral)

CM-1345-LPA-2022 in LPA-592-2022
CM-1586-LPA-2022 in LPA-682-2022
CM-1837-LPA-2023 in LPA-705-2022

1. In view of the reasons assigned in these applications, the same
are allowed and the delay in all the applications in filing their respective LPAs
is hereby condoned.

CM-1346-LPA-2022 in LPA-592-2022
CM-2191-LPA-2021 in LPA-918-2021
CM-2062-LPA-2021 in LPA-845-2021
CM-1809-LPA-2020 in LPA-664-2020
CM-731-LPA-2021 in LPA-272-2021
CM-1838-LPA-2023 in LPA-705-2022

2. All the applications are allowed and the documents are taken on record subject to all just exceptions.

3. This order shall dispose of these connected LPAs as the issue involved in all the LPAs is common.

4. Learned counsel for the appellants further submits that even those do not possess Ph.D./NET qualification have been working for the years together and in terms of the Policy which has been directed to be implemented by this Court, they would be ousted.

5. Learned counsel for the appellants submit that more than 2300 posts are still lying vacant with the respondents and appellants, who are experienced Lecturers but do not have qualification of NET/Ph.D, ought to be allowed to continue till the regular selections are made.

6. Learned counsel for the appellants also submit that the Policy dated 04.03.2020 also lays down that the Assistant Professors/Extension Lecturers, who are still working, should be removed only on availability of regularly selected persons.

7. Learned State counsel submits that the State Government is in the process of making regular selections

8. Learned counsel for the State has relied upon the judgment passed by the Coordinate Bench of this Court in LPA-736-2024 titled as **State of Haryana and others** Vs. **Sneh Lata** preferred by the State of Haryana against the order passed by the Single Bench in CWP-24822-2023 directing to consider the petitioner for re-adjustment as Displaced Extension Lecturer in Physics in terms of the policy was challenged. The Division Bench after

considering the Policy dated 04.03.2020 and the amendment made therein on 13.05.2023, and also considering that the cut-off date had been stayed by this Court in Mahesh Kumar's case, proceeded to held as under:-

“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. In another case i.e. CWP-2038-2024, tiled as **Neha Rani** Vs. **State of Haryana and Others**, subsequent memorandum dated 14.12.2023 which amended the memorandum dated 13.05.2023 discussed herein above,

was challenged before this Court. The Division Bench, in which one of us was not a member, examined the subsequent memorandum dated 14.12.2023 which laid down that all those Displaced Extension Lecturers, who acquired eligibility on or before 30.06.2023 and had worked for at least one semester/90 days in one academic year, were to be treated eligible for consideration for adjustment in the Colleges having sufficient workload held as under:-

“6. The petitioner has not challenged the order dated 20.07.2017. Since the benefit is to be given only to eligible Extension Lecturers, the policy was introduced on 13.05.2023, but since it allowed even those who were not eligible Extension Lecturers and had put a cut-off date as 04.03.2020, this Court had stayed the said policy. Now, the amendment has been made which takes into consideration the said aspect and all those displaced Extension Lecturers who acquired eligibility on or before 30.06.2023, and had worked for at least one semester/90 days in one academic year, have been treated eligible for consideration for adjustment in the colleges having sufficient workload. Thus, learned counsel submits that there is no arbitrariness, or the policy cannot be said to be discriminatory.

7. We have considered the submissions.

8. Individual grievance of any individual person cannot be a ground to quash a policy decision. The two aspects which this Court would have to examine are whether the policy laid down is reasonable, and secondly it has a nexus to the purpose sought to be achieved as has been held by the Supreme Court in Kuldeep Singh vs. Govt. of NCT, Delhi reported in 2006(6) SCALE 588. Since the notification dated 04.12.2023 conforms to the observations made by this Court in CWP-11653-2023 dated 26.05.2023 whereby the earlier decision taken by the Government had been stayed, no further interference is warranted.”

10. We find that in the present appeal, the appellant is challenging the order passed by the learned Single Bench dated 18.04.2022 whereby cut-off date as mentioned in the Policy dated 04.03.2020 was upheld by the learned Single Bench.

11. Further we find that since the policy dated 04.03.2020 was subsequently modified and amended as noticed by the Division Benches of this Court (Supra), and by way of an interim order, the services of the appellant were protected and his case would be examined afresh in terms of the amended Policy as notified vide memorandum dated 14.12.2023. If the appellant falls within the said eligibility conditions and has been working, he would be allowed to continue. However, if the appellant do not possess the requisite educational qualification and also have not worked for the period as required under the notification dated 14.12.2023, the State would be free to disengage them. While considering the said aspect, the State would also take into consideration the period of having worked for more than one semester/90 days in one calendar year during the interim order passed by this Court.

12. We have given thoughtful consideration to the aforesaid submissions made by the learned counsel for the parties and find that the UGC guidelines provided in 2010 itself for appointing Assistant Professors and Lecturers in the Colleges who possess the minimum NET/Ph.D qualification. However, the State Government had its own issued advertisements and the appointed persons who did not possess the minimum qualifications laid down by the UGC. The advertisements issued by the respective Colleges have resulted in such a situation and regular selections are not conducted. Even this

Policy of 04.03.2020 has been in vogue since last four years, but no regular selections have been made. Thus, the posts are being filled from the unqualified persons.

13. Teaching in Colleges is a responsible job. If persons do not possess minimum qualification laid down by the UGC i.e. NET/Ph.D., one can only imagine the plight of the students who are being taught by such unqualified persons. Those candidates who have been appointed under the earlier Policies by the various Colleges and have not even acquired the minimum qualifications uptill now, cannot be allowed to be continued. This Court would not sympathize on this aspect. However, those who have acquired the qualifications, they need to be protected till regular selections are made.

14. In view of the aforesaid, we do not accede to the request made by learned counsel for the appellants that those who do not possess the minimum UGC qualifications should be allowed to be continued till the regular selections are made.

15. The State Government shall take steps to relieve such persons and shall also positively take steps for advertising regular posts. All candidates, who are working and eligible, would be free to apply. In such circumstances, the benefit of age relaxation also be given to such persons. That apart, we direct the State Government that initiation of the selection process and issuance of advertisement shall be done within a period six months henceforth.

LPA-592-2022 (O&M) in CWP-24619-2021
and other connected cases

Page 9 of 9

16. In view of the aforesaid observations, all the Appeals are disposed of.

17. All pending application(s) stand disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[SUDEEPTI SHARMA]
JUDGE

April 22, 2024
Ess Kay

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No