

CWP-31366-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-31366-2024

Date of Decision: 21.11.2024

KAMLESH RANI

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

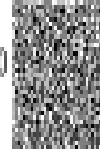
Present: Mr. Sajjan Singh, Advocate
for the petitioner.

Mr. R. S. Budhwar, Addl. A.G., Haryana

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 16.06.2021, Annexure P-9, whereby the petitioner has been relieved from the third respondent-College, and order dated 08.11.2024, Annexure P-25, whereby her request for readjustment/rejoining the service as Extension Lecturer has been rejected.

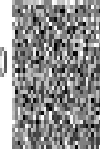
2. Learned counsel for the petitioner contends that the petitioner was initially appointed as Extension Lecturer in Chemistry at Government



P.G. Nehru College, Jhajjar, on 04.08.2014; at that time, she was engaged as ineligible Extension Lecturer due to non-availability of regular Assistant Professors or eligible Extension Lecturers, and was later disengaged from service in 2016. She qualified National Eligibility Test (NET) for Assistant Professor in the subject of Chemical Sciences on 09.05.2018, and gained eligibility to be appointed as Assistant Professor/ Extension Lecturer.

2.1 She filed Civil Writ Petition No. 7677 of 2019 claiming that she had been appointed as Extension Lecturer on 25.02.2019, and worked up to 27.02.2019. Thereafter, she was not allowed to join duty, and relieved without citing any reason on 01.03.2019. During pendency of that petition, an advisory/guidelines was issued by the second respondent/Director, Higher Education vide memo dated 9.10.2019, Annexure P-4, to the Principal Government College, Birohar, Jhajjar, asking her to act according to departmental instructions dated 20.07.2019 and 14.03.2019, and let the petitioner rejoin. Pursuant thereto, she was allowed to rejoin as displaced Extension Lecturer on 10.10.2019. The writ petition was later withdrawn by the petitioner, and it was dismissed as such vide order dated 06.10.2020.

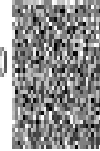
2.2 It is further contended that the petitioner was again disengaged from the College vide office order dated 11.08.2020, and she filed Civil Writ Petition No. 12559 of 2020, wherein notice of motion was issued on 26.08.2020 and operation of the order dated 11.08.2020 was stayed. Accordingly, she rejoined as Extension Lecturer on 27.08.2020. This petition was also disposed of, vide order dated 19.03.2021, on a statement made by learned State counsel that the petitioner had been permitted to join



as Extension Lecturer at Government College, Hodal, District Palwal.

2.3 It is further contended that after working for about ten months, the petitioner was again relieved due to shortage of workload vide memo dated 16.06.2021, issued by the Principal Government College Birohar, Jhajjar. The order was challenged by the petitioner by filing another writ petition, CWP 18306 of 2021, *inter alia*, on the ground that the petitioner was wrongly relieved on account of less workload, and despite being senior to the one who had been retained in service as Extension Lecturer in Chemistry in violation of Policy dated 04.03.2020. During pendency of this petition, learned State counsel apprised the Court that some posts of Extension Lecturers in Chemistry were vacant in nearby Government Colleges. Accordingly, the respondents were directed to consider the petitioner for adjustment against any of the vacant posts in terms of the Policy. The petitioner was so considered for adjustment, but her claim was rejected vide impugned speaking order dated 08.11.2024.

3. In this background, learned counsel for the petitioner has further contended that in terms of Policy guidelines dated 04.03.2020, as amended vide subsequent memorandums dated 11.05.2022 and 14.12.2023, she is to be considered as displaced Extension Lecturer, and entitled to adjustment against the post lying vacant. She fulfills all the three conditions required for being considered as displaced Extension Lecturer, viz., she has acquired eligibility before 30.06.2023, has worked as an eligible Extension Lecturer for more than one semester/ninety days in one academic year, and has been relieved due to less workload vide memo dated 16.06.2021. Therefore, there



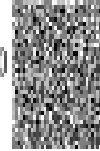
was no justification in rejecting her claim vide the impugned order.

4. *Per contra*, learned State counsel contends that the impugned order has been passed for valid reasons, and the petitioner is not entitled to readjustment, nor can she be reconsidered as displaced Extension Lecturer. She was never engaged as eligible Extension Lecturer by the Department. To strengthen the contentions, he relied upon the detailed reasoning given in the impugned speaking order.

5. Heard.

6. The petitioner has earlier filed three writ petitions, *inter alia*, seeking engagement/continuance as Extension Lecturer Chemistry, viz., CWP No. 7677 of 2019, CWP No. 12559 of 2020 and CWP 18306 of 2021. All the three petitions were filed by twisting and/or concealing true facts from the Court, as mentioned in the detailed impugned order dated 06.06.2021. The order is to the effect that the petitioner was initially engaged as ineligible Extension Lecturer in Chemistry at Government P.G. Nehru College, Jhajjar; she worked for the academic session 2014-15 and 2015-16, and left the College on her own. An undated letter was received in the office of Principal, Government College, Birohar, regarding her readjustment as Extension Lecturer. A Committee was constituted to consider the petitioner's readjustment, but no displacement certificate could be provided by her to substantiate the claim of having worked as Extension Lecturer earlier. Although she was issued a letter dated 25.02.2019 for readjustment in the said College, it was cancelled the same day by the

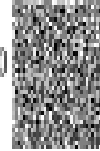
Principal vide a separate order dated 25.02.2019. Therefore, it cannot be said



the petitioner was readjusted as displaced Extension Lecturer.

6.1 Another Extension Lecturer in Chemistry/Ms. Seetu Singh had been working in the College at Birohar since 07.04.2016, and was relieved due to joining of a regular Assistant Professor on 24.01.2019. She filed a writ petition, CWP 3754 of 2019, seeking readjustment on the ground that posts of Extension Lecturer in Chemistry were still vacant. Her petition was disposed of vide order dated 11.02.2019, directing the respondents to consider her for adjustment against the vacant posts as per workload, and pass appropriate orders in accordance with law. In compliance therewith, her case was considered and Principal, Government College, Birohar, was directed to readjust her (Ms. Seetu Singh) in the College. Associate Professor/ Dr. Anita Rani was Incharge of the College affairs in the absence of a regular Principal, and she engaged the petitioner as Extension lecturer instead of Ms. Seetu by misusing her power and ignoring the fact that the former was neither eligible for readjustment, nor was she a displaced Extension Lecturer. Also, Dr. Anita Rani wrongly marked the petitioner's attendance in the register from 25 to 27 February, 2019, ignoring the fact that her readjustment had been cancelled by earlier Principal on 25.02.2019.

6.2 Aggrieved of her not being allowed to join, Ms. Seetu Singh filed a complaint against Dr. Anita Rani. Appropriate action was thereupon taken by the Department on her complaint, and finally Ms. Seetu was allowed to rejoin the College on 14.03.2019. In these circumstances, the petitioner approached this Court by filing a petition, CWP 7677 of 2019, claiming that she had been wrongly relieved as she worked in the College

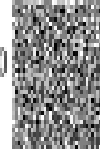
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from 25 to 27 February, 2019. A letter, dated 09.10.2019, was issued by the Budget Officer on behalf of Director, Higher Education asking the Principal, Government College, Birohar, to act according to Departmental instructions dated 27.07.2019 and 14.03.2019, and let the petitioner be re-engaged. The same College Incharge/Dr.Anita Rani wrongly allowed the petitioner to rejoin, by ignoring the fact that she was not a displaced Lecturer in terms of instructions mentioned in the letter dated 09.10.2019, and relieved Ms. Seetu Singh on 10.10.2019 by verbal orders.

6.3 Aggrieved by this high-headedness, Ms. Seetu filed a complaint at State Chief Minister's Window on 11.10.2019. Thereupon, an enquiry was initiated in the matter against Dr. Anita Rani and another College official. It was concluded that Dr. Anita had exceeded her administrative powers and failed to follow the Departmental instructions in engaging the petitioner, and removing Ms. Seetu Singh. Consequently, the petitioner was relieved from the concerned College on 11.10.2020, and Ms. Seetu was allowed to rejoin in terms of order/letter dated 11.08.2020.

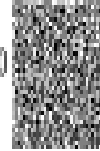
6.4. It also been mentioned that a regular Departmental inquiry under Rule 7 of the Haryana Civil Services (Appeal and Punishment) Rules 2017 was initiated against Dr. Anita, and as per Inquiry Report dated 14.08.2021, the charges were proved that she intentionally relieved Ms. Seetu Singh and wrongly allowed the petitioner to join service as Extension Lecturer ignoring the prevailing instructions. She was, accordingly, issued a warning vide order dated 25.11.2021.

6.5 Aggrieved of this relieving order dated 11.08.2020, the



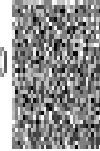
petitioner again approached this Court by filing another petition, CWP 12559 of 2020, seeking quashing of the order and a direction to be allowed to work as Extension Lecturer in Chemistry; she also sought release of salary from 10.10.2019 till displacement. Correct facts were not brought to the Court's notice, and operation of the order, dated 11.08.2020, was stayed by this Court vide order dated 26.08.2020. Accordingly, she rejoined the College at Birohar on 27.08.2020. Although the petitioner was statedly readjusted by the Department at Government College, Hodal, vide order dated 09.12.2020, which resulted in disposing of the petition vide order dated 19.03.2021, she never attended the College at Hodal and continued working in the concerned College at Birohar. The impugned order also mentioned that a committee at the Department level was constituted to fix the responsibility of the defaulting/erring officers/ officials who wrongly recommended the petitioner's name for joining as Extension Lecturer at Government College, Hodal.

6.6 In these circumstances, the Department calculated workload for the academic Session 2021 which was uploaded on the MIS portal on 27.05.2021. There was workload of only three Lecturers in Chemistry, against which four were working. Therefore, as per the Policy guidelines dated 04.03.2020, the petitioner was relieved from service vide impugned order dated 16.06.2021. The order concludes that the petitioner cannot be readjusted or allowed to rejoin as Extension Lecturer as she fraudulently joined services earlier in violation of Policy framed by the Department, and cannot be considered as displaced Extension Lecturer as her joining at



Government College, Birohar, was itself wrong and illegal.

7. Learned counsel for the petitioner has not been able to refer to any document or material on record to dispute any of the facts aforementioned. It is, therefore, apparent that the petitioner in collusion with Department officials and/or Dr. Anita, who was Incharge/administrative head of the Government College at Birohar, managed to join as Extension Lecturer, though she was neither eligible to be considered as displaced Extension Lecturer, nor were any instructions/ communication/ orders issued permitting her to join as Extension lecturer ever. Taking advantage of the situation, she approached this Court also, claiming herself to be a displaced Extension Lecturer entitled to re-engagement. None of the petitions filed by her could be adjudicated on merits due to the questionable administrative orders issued by different Department officials permitting her to be re-engaged in service. The complicity of officials is established on record from the fact that one of them/ Dr. Anita has been proceeded against, and charges of wrongful action on her part in allowing the petitioner to rejoin have been established. Besides, a Committee was constituted to fix the responsibility of defaulting/erring officer/officials in the Department who wrongly recommended the petitioner's name for joining as Extension Lecturer at Government College, Hodal; this also indicates possibility of wrong-doing on the part of officials/officers in facilitating the petitioner to be re-engaged despite not being a displaced Extension Lecturer. There is nothing wrong in the impugned order holding that the petitioner could not be termed 'displaced' since she had never been validly engaged as eligible

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Extension Lecturer, and could not be considered to have worked as such for any duration. Also, the petitioner cannot be allowed to take any further advantage of her wrongful engagement as Extension Lecturer for some period and/ or claim salary with effect from 10.10.2019, as it would amount to rewarding her for the deceit practiced on the Department.

8. This Court is also concerned about the manner in which the Department officials, including Associate Professor Dr. Anita, had been conducting themselves and bending over backwards to accommodate the petitioner by ignoring all cannons of fairness, in blatant violation of Policy guidelines and office orders. It leaves much to be desired so far as functioning of the Directorate of Higher Education is concerned; they need to set their house in order and take action against the delinquents. The respondents are accordingly directed to conclude within four weeks, if not concluded yet, the enquiry that was instituted at the Department level (as mentioned in the impugned order) to fix responsibility of the defaulting/ erring officers/officials who wrongly recommended the petitioner's name for joining as Extension Lecturer at Government College, Hodal. Appropriate action, as may be required, against the concerned officials/officers will be taken on the basis of findings of the enquiry within four weeks.

9. In view of the discussion, this Court finds no ground to entertain this petition. The petitioner is burdened with costs for filing the petition on baseless grounds in an attempt to mislead the Court, and wasting its time in the process. The costs are quantified at ₹50,000 (Rupees Fifty Thousand) to be deposited by the petitioner with the Poor Patients Welfare



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Fund, PGIMER, Chandigarh, within four weeks, and proof of deposit shall be placed on the case file within two weeks therefrom.

- 10. Dismissed with the aforementioned directions.
- 11. Pending miscellaneous application(s), if any, also stand(s) disposed of.

21.11.2024
Seema

(TRIBHUVAN DAHIYA)
JUDGE

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