



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

Sr. No.117**CWP-2171-2025****Date of Decision: 28.01.2025**

Rashmi Gera and others

.... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Bhupinder Malik, Advocate, for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *certiorari* quashing the speaking orders, dated 18.01.2025, Annexures P-35 to P-38, as also the consequent order of relieving the petitioners from service, dated 20.01.2025, Annexure P-39, passed by the Principal of the respondent College. Further, a writ of *mandamus* has been sought directing the respondents to allow the petitioners to continue working as Extension Lecturers till there is workload available in the subjects of Computer Science and Mathematics in the College.

2. Briefly, as per facts apparent on record, the petitioners are ineligible to be appointed as Assistant Professors in Government colleges as per the qualifications prescribed under the Haryana Education (College Cadre) Group-B Service Rules, 1986. The petitions filed by them seeking appointment/adjustment were disposed of along with a batch of petitions, with lead case CWP No.16931 of 2019, with a direction to decide their representations and consider them for engagement in case workload increased. Pursuant thereto, the Principal engaged them despite being ineligible, and they had been working continuously ever since.



2.1. Meanwhile, the Department issued policy guidelines regarding engaging Eligible Extension Lecturers in Government Colleges purely on work requirement basis, dated 04.03.2020, Annexure P-20. The Policy requires that only such persons shall be engaged as Extension Lecturers who fulfill the qualifications/eligibility as per the Statutory Service Rules applicable to the Assistant Professors in Government colleges. The Policy was later replaced by policy guidelines dated 02.11.2023, Annexure P-24, which had the similar stipulation so far as engagement of Extension Lecturers in Government colleges was concerned. It also required that non-qualified persons engaged by the Principals shall be removed after its coming into force.

2.2. It is also apparent on record that a Division Bench of this Court while deciding the LPA No.592 of 2022 titled *Neeraj Bhardwaj alias Neeraj v. State of Haryana and others*, issued directions that ineligible Extension Lecturers cannot be allowed to continue in service which are as follows:

“.....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.

2.3. In compliance with the directions issued, and in the light of the stipulation in the Policy guidelines, dated 04.03.2020, replaced by later Policy dated 02.11.2023, the impugned orders relieving the petitioners from service have been passed.

3. Learned counsel for the petitioners contends that the petitioners have a right to continue in service in terms of the Policy guidelines, because the academic session has not come to an end, and on account of their disengagement students' interests will be adversely affected. It has also been contended that the petitioners have wrongly been removed in terms of the Policy guidelines, dated 04.03.2020, though the same are no longer in existence and stand replaced by the new ones, dated 02.11.2023. Therefore, the impugned orders are not sustainable. Still further, he has referred to the workload available in the College for the subjects of Computer Science and Mathematics, which shows there is still need for about three to four Assistant Professors against which the petitioners can be allowed to continue.

4. Learned State counsel, on the contrary, contends that the impugned orders have been passed in compliance of the directions issued by the Division Bench, as also under the conditions stipulated in the Policy guidelines which require that only eligible Extension Lecturers can be engaged in the Government colleges, and the ineligible have to be relieved. The petitioners are not Court protected, as there is no interim order allowing them to continue in service despite being ineligible.

5. Heard.

6. It is apparent on record that none of the petitioners is qualified to be appointed as Extension Lecturer in the College. There is clear stipulation in the Policy guidelines, dated 04.03.2020 and 02.11.2023, that



only eligible Extension Lecturers can be engaged in the Government colleges, and the ineligible are to be disengaged/relieved. Also, there are clear directions issued by the Division Bench also that in the interests of students, ineligible Extension Lecturers cannot be allowed to work and are required to be relieved forthwith. The respondents are accordingly mandated to take action and relieve such Extension Lecturers. Merely because there is unmet workload in the College concerned, it would not give any right to the petitioners to continue in service. In case the Department requires to engage services of Extension Lecturers for the purpose, it can be done by engaging the eligible ones in terms of the Policy guidelines. The fact that petitioners have already taken admission in Ph.D. and are about to complete the same, can also not afford them a ground to continue in service since as on date they are ineligible, and have no right to continue in terms of the stipulation in the Policies.

7. It also needs a mention that the impugned order refers to Policy guidelines dated 04.03.2020, which now stand replaced by the guidelines dated 02.11.2023. The mistake is inconsequential since the stipulation that only the eligible can be engaged as Extension Lecturers and the ineligible are to be removed, is there in the later guidelines as well. Therefore, wrong mentioning of the date of Policy guidelines cannot give any right to the petitioners to continue in service despite being ineligible.

8. In view of the discussion, there is no ground to entertain the petition, and it stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

28.01.2025
Maninder

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