



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

**CWP No.3295 of 2025
Date of Decision: 05.02.2025**

Anjna Kumari and others

.....Petitioners.

Versus

State of Haryana and others

.....Respondents.

**CORAM: *HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA*
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- Mr. Gaurav Rana, Advocate and
 Ms. Alisha Sharda, Advocate
 for the petitioners.

Mr. Sanjeev Kaushik, Addl. A.G, Haryana.

SANJEEV PRAKASH SHARMA, J.(Oral)

The petitioners, by way of this writ petition, assail the Haryana Extension Lecturers and Guest Lecturers (Security of Service) Act, 2024.

2. Learned counsel for the petitioners has vehemently argued that the petitioners would be deprived of seeking appointment of the post of Lecturers on account of the passing of the afore-mentioned Act and the provisions of the Act especially Section 3 deserve to be declared *ultra-vires*. He further submits that the Act seeks to regularize those Lecturers who were appointed in 2010 onwards wrongfully and irregularly by the



Government Colleges. Such Lecturers do not deserve to be continued and the action of the State in passing the Act allowing them to continue to work till they attain the age of superannuation is bad in law. Further submission is that such Lecturers were not selected as per the mandate of the UGC Regulations and they do not deserve to be allowed to continue in service and the law adopted by the State is unjustified and takes away the rights of the petitioners for consideration for appointment. It is his further submission that earlier there were Rules framed by the State Government which provided the method of selection but the present provisions of the Act allow all the persons, who have been working as Extension Lecturers and Guest Lecturers in Government Colleges, to be regularized.

3. We have considered the submissions.

4. Challenge to the *vires* of an Act can be undertaken on the ground where the provisions of the Act do not have any legislative power to the purpose sought to be achieved or they go contrary to the basic principles of the Constitution. The Haryana Extension Lecturers and Guest Lecturers (Security of Service) Act, 2024 has been passed by the Legislature and received the assent of the Governor of Haryana on 24.12.2024 with the purpose to provide security of service to the Extension Lecturers and Guest Lecturers and for matter connected therewith or incidental thereto. In order to achieve the said purpose, the provisions of the Act provide that the eligible Extension Lecturers, who are working as Extension Lecturers in Government Colleges and have qualified the National Eligibility Test or possessed the qualification of Ph.D. as per the



University Grants Commission Regulations on or before 30.06.2023 or eligible Guest Lecturers, who are working as Guest Lecturers in Government Colleges and have qualified the National Eligibility Test or possessed the qualification of Ph.D. as per the University Grants Commission Regulations but were not regularized under the Regularization Policy dated 16.06.2014, would be considered and who have completed at least five years of service as on the appointed date, shall continue to perform their work as such till they attain the age of superannuation. The purpose of the Act emanates from the fact that there have been no regular selections made on the posts of Lecturers for several years in the State of Haryana.

5. This Court has already noticed earlier in a judgment passed in a bunch of cases, lead case bearing ***LPA No.592 of 2022*** titled as ***Neeraj Bhardwaj alias Neeraj Versus State of Haryana and others***, decided on 22.04.2024, that the requirement of the Assistant Professors and Lecturers in Colleges who possess minimum NET/Ph.D. qualification is essential. We, therefore, had directed as under:-

“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.”

6. Keeping in view thereto and considering the purpose sought to be achieved, we find that the provisions of the Act are in consonance with the intention which this Court had projected in its order passed in ***Neeraj Bhardwaj’s case (supra)***. The petitioners are the persons who are yet to apply for direct recruitment. They have acquired qualifications now for the post. Their right of consideration would emanate only after an advertisement is issued for direct recruitment. They have no *lis viz.* a *viz.* the Lecturers who have been working since long on the posts. We find that the number of years rendered in teaching at various colleges is more than 10 years and the experience gained by such Lecturers cannot be side-lined or ignored. We, therefore, find that the provisions of the Act do not, in any



manner, go contrary to the basic principles of the Constitution nor it can be said to be in contravention of the provisions of the University Grants Commission or the Regulations framed therein. The power with the State Government is absolute in framing an Act to secure services of a class of individuals who are apart from others. Such classification cannot be, in any manner, said to be violative of Article 14 of the Constitution.

7. Keeping in view thereto, we do not find any reason to entertain the present petition challenging vires of the said Act. The writ petition is found to be wholly mis-conceived and is, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

February 05, 2025

Yag Dutt

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