



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

Serial No.210

Decided on:14.11.2025

1) CWP-3799-2025

Jyoti Rani

. . . Petitioner

Versus

State of Haryana and others

. . Respondents

2) CWP-31167-2024

Sunil Kumar and others

. . . Petitioners

Versus

State of Haryana and others

. . Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Bharat Jain, Advocate and
Mr. Aman Bansal, Advocate
for the petitioner (in CWP-3799-2025)

Mr. Rahul, Advocate
for the petitioners (in CWP-31167-2024)

Mr. Amit Sahni, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J.(ORAL)

These petitions are being decided together as all the petitioners, who are employees of the Haryana AAROH Educationally Backward Blocks (EBB) Model School Society (for short 'the Society'), have sought regularisation of the services in terms of the Society's Service Bye-laws.



2. For brevity, the facts are being noticed from CWP-3799-2025.

2.1 The petitioner's pleaded case in brief is, respondent no.4-Society is controlled and financed by the Government of Haryana; Additional Chief Secretary, Department of School Education, is its Chairman. The Society has established thirty-six AAROHI Models schools in educationally backward blocks in the State as per policy of the Government of India, and Deputy Commissioner of the concerned District is Chairperson of the school society at District level. Service of its employees is regulated under the Haryana AAROHI Educationally Backward Blocks (EBB) Model School Society Service Bye-laws, 2011 (for short 'Bye-laws').

2.2 The Department of School Education, Haryana, issued advertisement, dated 02.02.2013, inviting applications for direct recruitment to various posts, including that of PGT Economics for which the petitioner submitted her application form. During the process of selection, she cleared the written test and was called for interview by a duly constituted selection committee along with other candidates. She remained successful and was recommended for appointment as PGT Economics on contract basis vide memo dated 08.10.2013, Annexure P-1. Pursuant thereto, she was issued appointment letter, dated 31.10.2013, and joined as such in Aarohi EBB School, Nathusari Kalan, Sirsa, by submitting joining report on the same day. One of the stipulations in the letter of appointment, para 11, was that she would have to abide by the service regulations of the Society as amended from time to time.

2.3 As per the Society's Bye-laws, the employees are entitled to be appointed on regular basis after completion of five years' satisfactory service.



05.02.2018, Annexure P-3, requested Principals/Incharges of Aarohi Model Schools all over Haryana to send cases of employees in the prescribed proforma who had completed contractual service of five years in their respective schools. The petitioner's case alongwith that of other employees was accordingly sent, but the regular appointment was not given. Again, pending cases of employees were called for the purpose vide memo dated 30.10.2018, Annexure P-4, still the regular appointment was not given. The matter was then taken to general body meeting of the society held on 12.02.2019; as per its minutes, Annexure P-6, a decision was taken in principle to regularise services of contractual employees, and a committee was constituted to examine their year-wise performance. The decision taken by the general body concerning agenda item 2 is as follows:

Agenda Item no.2:

To regularize the services of contractual employees: According to the "AAROH-EBB Model School Service Bye-Laws, 2011 section 9(3) "The contractual employee shall be appointed on regular basis after the completion of five years of satisfactory service." Hence the services of 15 Principals, 152 PGTs and 17 Librarians (Total = 184) who have completed 5 years of satisfactory service may be regularized.

Decision taken in the meeting:

Approved in principle to regularize the services of contractual employees of the Aarohi Model Schools a subcommittee under the chairmanship of W/JD-Admn has been consulted.

1. Joint/Additional Director, Admin-Chairman
2. Sr. Accounts Officer-Member.
3. Assistant Director, Secondary Education Member
4. DA/ADA-Member



The committee will examine the year wise performance of the teaching and non-teaching staff who are to be regularized and put up to the Chairman.

2.4. The matter was again taken to the general body in its meeting held on 21.07.2023, Annexure P-7, wherein it was decided to regularise services of contractual employees who had completed five years' satisfactory service, with immediate effect. The agenda as well as the minutes of the meeting are as under:

Agenda item no.4.3 (iii):

Regularization of teaching and non-teaching staff appointed according to "Haryana AAROHI Educationally Backward Blocks "EBB" Model Schools Society Service Bye-Laws 2011: Appointments of teaching and non-teaching staff in Aarohi Model Schools were made on contract basis vide advertisements published in 2012, 2013 and 2014 (Annexure - VIII).

In the service Bye-Laws 2011 at clause 9. (3) it has been mentioned "The contractual employee shall be appointed on regular basis after the completion of five years of satisfactory service". Now the Society and the Department are facing litigations and difficulties in changing the terms and conditions of appointment and Bye-Laws which were in existence at the time of their initial appointment.

Presently, the annual expenditure on fixed salaries of contractual staff of Aarohi Model Schools is Rs.26,76,99,336/- and if they are regularized, they will get salary equivalent to initial pay of a fresh entrant and annually this will amount to Rs.25,71,87,700/-.

The details of working staff, yearly present salary and yearly salary after regularization has been calculated, which is tabulated as under:-



Designation	Working Strength	Yearly present salary	Yearly salary if regularized
Principals	15	2,14,47,360	1,84,59,000
PGTs	256	22,85,38,764	22,24,12,800
Librarians	20	1,46,98,080	1,29,84,000
Clerks	4	13,24,212	14,80,800
Accounts Clerk	5	16,90,920	18,51,000
Total	300	26,76,99,336	25,71,87,600

The financial implications in case of regularization of these employees will be Rs.25,71,87,600/-i.e. lesser than the fix emoluments being drawn presently.

It is pertinent to mention here that the Finance Department agreed to create 2232 posts of teaching and non-teaching categories for 36 EBB Schools vide U.O. no. 78/29/2011-3FDII/12160 dated 07.01.2013 and further agreed to transfer all the sanctioned posts from School Education Department to Haryana Aarohi Educationally Backward Blocks "EBB" Model Schools Society vide U.O. No. 21057-4FD-11/2021, dated 15.09.2021.

The Cadre wise teaching and non-teaching staff who were appointed according to advertisement published in 2012, 2013 and 2014 as per Society Service Bye-Laws 2011 and completed 5 years satisfactory service may be regularized by seeking one time relaxation/approval from Finance Department and W/Chief Secretary.

Decision taken in the meeting:

Services contractual employees, working in Aarohi Model Schools, who have completed atleast 5 years satisfactory service, be regularized with immediate effect.



As the respondents dithered in giving regular appointment to the petitioner despite decision of the general body, she approached this Court by filing the instant petition.

2.5. In the connected petition, CWP-31167-2024, the petitioners were appointed on different teaching as well as non-teaching posts on the basis of advertisement issued by the Department, dated 31.07.2014. They cleared the written test and were appointed after due selection vide engagement letter, dated 31.05.2018. Despite completion of five years' satisfactory services in the Society, they were also not appointed on regular basis in terms of the Bye-laws and the decision taken by the general body.

3. In this factual background, learned counsel for the petitioners contends that the respondents are bound to give appointment to the petitioners on regular basis as they have rendered more than five years' satisfactory service, and the society has itself decided to do so vide decision taken in its general body meeting, dated 21.07.2023.

4. Learned counsel for the respondents, on the contrary, *firstly*, contends that the petitioners cannot claim regularisation in service as there is a specific condition in their appointment letter, 14(ii), that they shall have no right to claim regularisation in service of the Society. They accepted the terms and joined the post on contract basis, and cannot now claim regularisation in violation thereof. *Secondly*, it has been contended that Bye-laws have never been approved by the Finance Department, Government of Haryana, and cannot be given effect to. In the absence of approval, they remain tentative in nature and no right can flow to the petitioners therefrom.

5. Submissions made by learned counsel for the parties have been considered.



6. It remains undisputed that the posts against which the petitioners have been appointed in the Society were duly advertised. They cleared the written test as well as the interview, and were recommended for appointment by the selection committee on merit. In terms of the Bye-laws, they were given contractual appointment in the Society, and have rendered more than five years' satisfactory services. Nothing adverse about their conduct or performance has ever been conveyed to them. There is a specific clause in the Bye-laws, 9(3), which provides for regular appointment to contractual employees on completion of five years' satisfactory service; it reads as under:

9- Method of recruitment

(1) and (2) xxx xxx

(3) The contractual employee shall be appointed on regular basis after the completion of five years of satisfactory service.

(4) and (5) xxx xxx

It is also a matter of record that the Society in its general body meeting, dated 21.07.2023, after considering all relevant facts regarding the petitioners' services, provisions of the Bye-laws, as also the financial implications involved, decided to regularise their services. Accordingly, failure of the respondents to appoint the petitioners on regular basis is in derogation of the said decision as well as the Bye-laws.

7. The objection to regularisation of the petitioners as taken by learned counsel for the respondents is not sustainable for the reason no document has been placed on record to establish that approval of the Finance Department was required for implementing the Bye-laws, or that the same was ever refused. On the contrary, the letters, dated 05.02.2018 and 30.10.2018, show that the cases of contractual employees had been called for



regularisation in terms of the Bye-laws. Thereafter, the general body in its meetings, dated 12.02.2019 and 21.07.2023, took up the issue and decided to approve the employees' regular appointment, again in terms of the Bye-laws. It has not been the Society's case at any stage that the Bye-laws have not been approved, and cannot be permitted to raise such an objection now. Further, the general body decided to issue regular appointments after taking into consideration the financial liabilities involved, which would be far less as compared to the existing expenses being incurred. It also took into account the fact that the Finance Department had agreed to create 2232 teaching and non-teaching posts for thirty-six EBB schools of the Society vide letter dated 07.01.2013. Many such posts have been filled making the appointees, like the petitioners, bound by the Society's service regulations; stipulations to that effect have been incorporated in the appointment letters. And it is not the respondents' case that apart from the Bye-laws, the Society has any other service regulations for the employees. These facts make it evident that the objection to regular appointment is without any basis. Still further, condition 14 (ii) incorporated in the appointment letter cannot be relied upon to deny regular appointment to the petitioners on two accounts. *Firstly*, it is in violation of the Bye-laws which entitle the contractual employees to regular appointment after five years of satisfactory service. *Secondly*, despite this condition, the Society's general body vide its decision dated 21.07.2023, directed regularisation of contractual employees after completing five years' satisfactory service.

8. In view of the discussion, the petitions are allowed and the respondents are directed to give regular appointment to the petitioners on the posts they are holding from the date they have completed five years'



satisfactory service on contract basis. The arrears of salary will be paid with interest at the rate of seven per cent per annum from the due date till actual payment. These directions are to be carried out within six weeks of receiving certified copy of the judgment.

9. A photocopy of this order be placed on the case file of connected petition.

14.11.2025

Mehak

(TRIBHUVAN DAHIYA)
JUDGE

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