



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.111

CM-6870-CWP-2025 in/and
CWP-28019-2023 (O&M)

Date of Decision: 08.05.2025

Dr. Mangat Singh and another

.... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

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

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

With the consent of parties, hearing of the main case is advanced and it is taken on Board today.

2. The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to permit the petitioners to work as Extension Lecturers up to sixty-five years of age in the light of memo dated 11.11.2022, Annexure P-12, issued by the Government based upon the University Grants Commission (UGC) Regulations, 2018.

3. The petitioners superannuated from government service as Associate Professors Punjabi on attaining the age of fifty-eight years, and were re-employed as Extension Lecturers in Government (PG) College, Ambala Cantt. They were allowed to continue in service in terms of the interim order dated 06.02.2024, which was passed in the circumstances when the case for prescribing upper age limit for re-employment as Extension Lecturer was pending consideration before the Government.



Pursuant thereto, the State Government has issued memo dated 09/11.10.2024, Annexure R-1, prescribing that no retiree Assistant/Associate Professor can be allowed to work beyond the maximum period of two years after the age of superannuation/fifty-eight years, and that their services shall be dispensed with after attaining sixty years of age. In terms therewith, the petitioners were relieved from service as Extension Lecturers on 07.11.2024.

4. Learned counsel for the petitioners contends that the decision taken to relieve the petitioners from service is violative of government memo dated 11.11.2022, which is in consonance with the UGC Regulations 2018. He has relied upon paragraph 2.1 thereof, which is as under:

2.1. Keeping in view the acute shortage of teachers in higher education, specially experts who can contribute towards creation of knowledge, teachers such as Assistant Professor, Associate Professor, Professor, Senior Professor and Principal may be re-employed in University/College beyond the age of superannuation, by the Universities concerned in the Universities, by the State Government in the Government Colleges and by the Managing Committee with permission of the State Government in the Government Aided private Colleges subject to availability of vacant posts, workload and fitness, up to the age of sixty five years or till the regular appointment or promotion is made against such vacant positions whichever is earlier.

Provided further that all such re-employment shall be strictly in accordance with the guidelines prescribed by the State Government from time to time.

4.1. As per him, the requirement in terms of paragraph 2.1 is that Assistant Professors are to be re-employed in the universities and colleges up to the age of sixty-five years subject to availability of workload and fitness. In this regard he has referred to the workload statement for the Session 2022-23 in the Government P.G. College, Ambala Cantt., Annexure P-13, wherein against the sanctioned strength of seven Assistant Professors

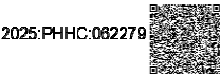


Punjabi, only three Extension Lecturers have been engaged, including the two petitioners. There is no regular appointee in the College. Accordingly, in the light of the government instructions, as also status of workload in the College, the petitioners have a right to continue in service.

5. Learned State counsel, on the contrary, submits that proviso to paragraph 2.1 of memo dated 11.11.2022 prescribes that re-employment of teachers shall be strictly in accordance with the guidelines prescribed by the State Government from time to time, and in terms therewith, memo dated 09/11.10.2024 has been issued prescribing maximum age of sixty years for re-employing retiree Assistant/Associate Professors as Extension Lecturers in government colleges. The petitioners have no right to continue beyond the age prescribed.

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

7. A perusal of paragraph 2.1 of the notification dated 11.11.2022 makes it apparent that it does not contain any mandate to re-employ retired teachers in the universities or colleges up to sixty-five years of age, or till regular appointment or promotion is made against vacant posts. It is only an enabling provision for the universities or colleges to engage the services of re-employed teachers up to sixty-five years of age subject to availability of vacant posts, workload, fitness or promotion, etc. Further, it specifically provides that such re-employment can only be in accordance with the guidelines prescribed by the government from time to time. Once the government vide memo dated 09/11.10.2024 has laid down the guidelines and prescribed maximum age limit for re-employing extension lecturers as sixty years, no exception can be taken to it, and the petitioners cannot claim any right to continue in service beyond the maximum prescribed age even on the basis of availability of workload.



8. In view thereof, there is no ground to entertain the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

08.05.2025
Maninder

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