

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5686-2016 (O&M)

Sukhvinder Singh & Ors.

... Petitioners

VS.

State of Haryana & Anr.

... Respondents

1.	Judgment reserved on	30.04.2026
2.	Judgment pronounced on	25.05.2026
3.	Judgment uploaded on	27.05.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vijay Pal, Advocate for the petitioners

Mr. Deepak Balyan, Addl. AG Haryana

Sandeep Moudgil, J.

- (1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, inter alia, for issuing a writ of mandamus directing the official respondents to regularize the services of the petitioners in the light of the regularization policy of June, 2014 (Annexure P9 colly).
- (2). The petitioners seek regularization of their services under the regularization policy dated 18.06.2014 framed by the State of Haryana under proviso to Article 309 of the Constitution of India. The admitted position on record is that the petitioners were engaged during the year 2005-06 as Guest Faculty Teachers/Lecturers against vacant teaching posts in Government schools. Their engagement was preceded by issuance of advertisement, constitution of selection committees, scrutiny of applications and preparation of merit lists. The respondents in their written statement have themselves admitted that such engagements were necessitated because of shortage of teachers in Government schools in different streams. The petitioners have

continued in service uninterruptedly since then and their work and conduct has never been alleged to be unsatisfactory.

(3). The principal objection raised by the respondents is that the petitioners were engaged only as a stop-gap arrangement and their appointments were not made through regular recruitment process contemplated under the statutory rules and, therefore, they are not eligible for regularization under the policy dated 18.06.2014. This Court is unable to accept the said contention. The policy dated 18.06.2014 itself was framed to grant benefit of regularization to contractual/ad hoc employees who had rendered long service under the State. If the contention of the respondents is accepted, the very purpose of the policy would stand defeated because every contractual employee by definition enters service de hors regular recruitment. The material on record demonstrates that the appointments of the petitioners were not clandestine or backdoor appointments. Applications were invited, eligible candidates were considered and merit lists were prepared. The petitioners admittedly possessed the prescribed qualifications on the date of engagement and were working against available vacancies.

(4). The respondents have further contended that reservation policy was not followed and preference was granted to local candidates while engaging Guest Faculty Teachers. The said objection also does not persuade this Court to deny relief to the petitioners. Firstly, the respondents themselves continued the petitioners in service for nearly two decades and repeatedly utilized their services because regular teaching requirement persisted in Government schools. Secondly, the policy dated 18.06.2014 itself contains a stipulation regarding adjustment of reservation roster at the stage of

regularization. Thirdly, no material has been placed on record to show that the appointments of the petitioners were tainted by fraud, concealment or manipulation.

(5). The eligibility conditions under the policy dated 18.06.2014 stand substantially satisfied in the present case. The petitioners had completed far more than three years of service as on 28.05.2014 and continue to remain in service and their qualification or work and conduct throughout remained undisputed and satisfactory. Even the existence of teaching vacancies stands acknowledged inasmuch as it has been specifically pleaded that Guest Faculty Teachers were engaged because of shortage of teachers in Government schools.

(6). During pendency of the present writ petition, the matter was adjourned *sine die* on 22.05.2018 awaiting decision in CWP No.17206 of 2014 wherein the Full Bench of this Court vide judgment dated 31.05.2018 struck down the regularization policies dated 16.06.2014 and 18.06.2014. However, the said legal position no longer holds the field since the Supreme Court in Madan Singh and others versus State of Haryana and others, Civil Appeal No.2031 of 2024 arising out of SLP (C) Nos.3170-3172 of 2019, decided on 16.04.2026, partly modified the Full Bench judgment and expressly upheld validity of the notifications dated 16.06.2014 and 18.06.2014 by holding as under:-

“It is held that notifications dated 16.06.2014 and 18.06.2014 are valid and the judgment of the High Court to the extent it holds otherwise is set aside. The intervenors who are similarly situated and entitled to the benefit of the notifications dated

16.06.2014 and 18.06.2014 shall also be entitled to the reliefs flowing from such declaration...”

(7). Once the Supreme Court has upheld validity of the policy, the broader objection against permissibility of regularization itself collapses and the controversy narrows only to fulfillment of policy conditions. As already noticed above, the petitioners substantially satisfy the eligibility conditions prescribed under the policy. The respondents cannot now continue to rely merely upon the temporary nomenclature of “Guest Faculty” after themselves retaining the petitioners for nearly two decades because of continuing requirement of teachers.

(8). At this stage, the argument raised by the respondents as to the petitioners continued only because of interim protection granted by Courts also deserves rejection. Judicial orders merely protected the petitioners against arbitrary displacement. The respondents voluntarily continued to extract teaching work from the petitioners throughout because vacancies continued to exist. In **Narendra Kumar Tiwari and others versus State of Jharkhand and others, (2018) 8 SCC 238**, the Supreme Court held that *“the purpose and intent of the decision in Umadevi cannot be allowed to be defeated by the State by adopting methods which would continue the employees on exploitative terms for years together.”* The action of the respondents in continuing the petitioners on insecure tenure for almost 20 years despite availability of regular work falls squarely within the said mischief.

(9). Another aspect of the matter which cannot be ignored by this Court is that the respondents themselves are authors of the entire engagement process which they now seek to criticize for denying regularization to the

petitioners. The petitioners did not appoint themselves in service. Their engagement was made pursuant to policies/instructions issued by the State Government itself. Applications were invited by the department, selection committees were constituted by the competent authorities, eligibility of candidates was scrutinized by the respondents and thereafter the petitioners were permitted to join and continue in service for nearly two decades. If the recruitment procedure was not strictly in conformity with the statutory rules or reservation roster, the responsibility thereof primarily lies upon the respondents themselves and not upon the petitioners, who merely responded to the public process initiated by the State.

(10). The widespread reliance on contract teachers reflects a systematic trend towards commercialization and cost cutting in educational institution by recruiting educators on temporary basis, institutions bypass standard pay scales and benefits compromising both the financial dignity of the teaching profession and the long terms quality of the student instruction.

(11). This Court is sanguine of the fact that the significance of a teacher's role in society as well as nation cannot be overstated. They are the cornerstone of the society, laying a vital role in shaping young minds. Since the petitioners in the instant case have been working for past 20 years on contract in govt. schools which ipso facto compels this Court to infer that for 20 years they cannot be used as 'spares' to fill arbitrary gaps as they have to be treated at par with the other teachers working on regular posts since the vacancies continued to exist.

(12). In addition, by no stretch of imagination, it can be accepted that for two decades, the petitioners being educators have been treated as stop gap

arrangements without giving them their deserving rights. Such a stand is clearly self-defeating. There is not even a remote allegation of fraud, misrepresentation, concealment or fabrication against any of the petitioners. The respondents, after having continuously extracted regular teaching work from the petitioners for almost 20 years, cannot now be permitted to turn around and contend that the very procedure devised and implemented by them renders the petitioners disentitled to consideration under the regularization policy.

(13). This Court is sanguine of the fact that the significance of a teacher's role in society as well in the nation-building cannot be overstated. They are the cornerstone of the society, playing a vital role in shaping young minds. Since, the petitioners in the instant case have been working for the past 20 years on contract basis in govt. schools which ipso facto compels this Court to infer that for 20 years they cannot be used as 'spares' to fill arbitrary gaps as they have to be treated at par with the other teachers working on regular posts since the vacancies continue to exist.

(14). In addition, by no stretch of imagination, it can be accepted that for two decades, the petitioners being educators have been treated as stop gap arrangements without giving them their deserving rights. Such a stand is clearly self-defeating and amounts to permitting the State to take advantage of its own wrong, which is impermissible in law. In **Gujarat Agricultural University versus Rathod Labhu Bechar and others, (2001) 3 SCC 574**, the Supreme Court held that where employees have been continued for long years because of regular and perennial requirement of work, the State cannot avoid its obligation by relying upon the temporary nature of engagement.

(15). Consequently, this writ petition is allowed and the respondents are directed to consider and regularize the services of the petitioners in terms of policy dated 18.06.2014 within a period of two months from the date of receipt of certified copy of this order with all consequential service/retiral benefits.

(16). The writ petition is allowed in aforesaid terms.

(17). Pending application(s), if any, stands disposed of.

25.05.2026

V.Vishal

(Sandeep Moudgil)
Judge

1. *Whether speaking/reasoned?* :
2. *Whether reportable?* :

Yes/No
Yes/No