

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

119

CWP-36236-2025

DAVINDER SINGH AND OTHERS

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

1.	The date when the judgment is reserved	December 09, 2025
2.	The date when the judgment is pronounced	January 13, 2026
3.	The date when the judgment is uploaded on the website	January 13, 2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sarthak Gupta, Advocate
for the petitioners.

Mr. Aakash Singla, Additional Advocate General, Haryana.

Mr. Puneet Gupta, Advocate
for the respondent-University.

TRIBHUVAN DAHIYA, J.

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the speaking order dated 03.09.2024, Annexure P-9, whereby the petitioners’ prayer to frame a policy of regularisation has been rejected. Further, a writ of *mandamus* has been sought directing the respondents to regularise them in service on the posts of Assistant Professors in their respective Departments from the date of initial appointment on contract basis, with consequential benefits.

2.1. The petition has been filed with the averments that the petitioners fulfill the requisite qualifications for the post of Assistant

Professor laid down by the University Grants Commission (UGC)/All India Council for Technical Education (AICTE). They were given contractual appointment as Teaching Associates on consolidated salary in various Departments of the respondent-University on the recommendations of *ad hoc* selection committee(s), pursuant to advertisement(s) inviting applications for 'walk-in-interview'. The appointment letters were issued on different dates between 2010-2015, collectively appended to the petition as Annexure P-2, and they accordingly joined their respective Departments, viz., Computer Science and Engineering, Pharmaceutical Sciences, Mechanical Engineering, Food Technology, Mass Communication and Physiotherapy.

2.2. The petitioners continued working in the University as Teaching Associates on the terms they were initially appointed, and approached this Court by filing writ petitions, CWP-27822-2018 titled *Komal Dhanda and others v. Guru Jambheshwar University of Science and Technology, Hisar and others*, and CWP-11723-2019 titled *Vishal Kumar and others v. Guru Jambheshwar University of Science and Technology Hisar, inter alia*, seeking a writ of *certiorari* quashing the condition in their appointment letters whereunder they were engaged on consolidated salary, instead of minimum of pay scale meant for the post of Assistant Professor. Also, a writ of *mandamus* was sought directing the respondents to allow the petitioners to work till regular incumbents join, and not to replace them with other contractual employees. Other directions to give minimum of pay scale meant for the post of Assistant Professor, with vacation period salary, were

also sought. The petition was disposed of vide order dated 21.08.2019, Annexure P-4, and in terms therewith the petitioners continued in service, and the University started paying them minimum of pay scale.

2.3. It has also been averred that there are sanctioned posts in the University against which the petitioners are working. To substantiate, reliance has been placed on office order, dated 01.10.2019, Annexure P-5, whereby the Vice-Chancellor has ordered that salary of contractual/guest teachers will be drawn against the posts lying vacant in their respective Departments.

2.4. Meanwhile, the University has issued advertisements 4 to 19/2023 inviting applications for regular Assistant Professors in the Departments where the petitioners are working, and the selection process is in advance stage. In case the process concludes, the petitioners will be removed after more than fourteen years of service which will seriously prejudice their rights. They submitted representations, including legal notice dated 07.03.2024, seeking regularisation of service which was wrongly rejected vide the impugned speaking order dated 03.09.2024.

3. In this factual background, learned counsel for the petitioners has contended that the petitioners were appointed after rigorous process of selection on the recommendation of the *ad hoc* selection committee(s). They fulfill the requisite qualifications for the post of Assistant Professor in their respective Departments, and have rendered more than ten years of unblemished service. Their work and duties are identical to the ones assigned to regular Assistant Professors, and it has also been established vide

office order dated 01.10.2019, that they are working against sanctioned posts. Accordingly, they are entitled to regularisation in service as Assistant Professors. Not doing so amounts to their exploitation, which has been deprecated by the Courts time and again. Besides, the petitioners are not backdoor entrants, as their initial appointments were not illegal. At best, the same can be termed irregular, which does not disentitle them to claim regularisation. In support of the contentions, learned counsel has placed reliance upon the law laid down by the Supreme Court in *Jaggo v. Union of India and others*, 2024 SCC OnLine SC 3826, and also upon a co-ordinate Bench judgment, dated 06.11.2025, rendered in CWP-26899-2025 titled *Nishi and another v. Panjab University and others*, ordering regularisation of Assistant Professors working on temporary basis.

4. *Per contra*, learned counsel for the University does not dispute the facts regarding the petitioners' appointment as Teaching Associates, and that they have been working ever since their initial appointment. He, however, contends that they are not entitled to regularisation in service as they have not been appointed in accordance with the relevant University Rules and Statutes. Their appointments were pursuant to the recommendation of *ad hoc* selection committee(s), in response to advertisements inviting applications for 'walk-in-interview'. It was not proper selection made after due advertisement. The judgment in *Nishi* case (*supra*) is *per incuriam*, as relevant law on the issue has not been considered therein.

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

6. The conceded position is that the petitioners have been appointed Teaching Associates in the University pursuant to advertisements inviting applications for 'walk-in-interview'. The advertisement(s) reads as under:

Candidates fulfilling UGC's qualifications for the post of Assistant Professor and the candidates who do not have UGC's qualifications, but have an experience of teaching as guest faculty/ contractual of two semesters in the College/University may attend walk-in-interview, along with original certificates/testimonials, one latest photograph and five copies of proforma duly filled in (can be downloaded from University website www.gjust.ac.in), on the date and time given below in the office of the Vice Chancellor for appointment as Teaching Associates on contract basis in the following departments upto 31.05.2013 or till regular appointments are made, whichever is earlier.

They were interviewed by *ad hoc* selection committee(s), and their appointments were approved by the Vice-Chancellor. The terms of appointment were on the following lines:

On the recommendations of the Ad hoc Selection Committee, you are hereby offered the appointment as Teaching Associate on contract basis in the Deptt. of Computer Science & Engineering on a consolidated salary of ₹21600/- per month upto 31.05.2014 or till regular appointment is made whichever is earlier.

Your appointment is subject to the following terms and conditions:-

1. You will not be entitled to claim regularisation of service or regular pay scale.
2. Your appointment is liable to be terminated at any time without any notice.
3. You will be entitled only to casual leave as per University rules.

6.1. Further, it has come on record that many of the petitioners were re-appointed as Teaching Associates in terms of orders passed by this Court in CWP-7535-2015 titled *Dr. Vizender Singh and others v. Guru Jambheshwar University of Sciences and Technology, Hisar*. The fact finds mention in the appointment letters appended to the petition, and relevant para whereof is as under:

Reference your application dated 01.08.2014 for the post of Teaching Associate on contract basis in the Deptt. of Computer Science & Engineering and orders passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in CWP No.7535 of 2015 titled *Dr. Vizender Singh & others Vs. GJUS&T, Hisar*.

You are hereby offered the appointment as Assistant Professor on contract basis in the Deptt. of Computer Science & Engineering on a consolidated salary of Rs.25600/- per month upto 31.05.2016 or till regular appointment is made whichever is earlier.

6.2. Having been reappointed, the petitioners were given salary equal to the minimum of pay scale for the post of Assistant Professor, and were not replaced by other Associates in terms of orders passed by this Court in *Komal Dhanda* case (*supra*), dated 21.08.2019. The directions contained in the order read as under:

Keeping in view the aforementioned facts and circumstances, I deem it appropriate to dispose of the writ petitions with the following directions:

1. The respondents-University shall take decision for equal pay for equal work, for grant of minimum pay scale at par with regular employees to the petitioners, within a period of three months, failing which, there shall be costs of ₹25,000/- to be recovered from the concerned Officer, who is responsible in not taking the decision.
2. The petitioners shall not be replaced with another set of contractual employees, except regular employees, subject to condition of having satisfactory record, qualification, work and conduct.
3. The respondent-University shall pay salary to the petitioners for vacation period.

6.3. The facts aforementioned make it explicit that the petitioners were initially given limited period contractual appointments on consolidated salary, but were allowed to continue in terms of directions issued by this Court from time to time in different writ petitions. Their letters of appointment clearly stipulated that they were not entitled to claim regularisation in service.

6.4. It is apposite to mention that selection of University Teachers, including Assistant Professors, the posts against which the petitioners are seeking regularisation, is regulated by the Statutes framed under the Guru Jambheshwar University of Science & Technology, Hisar Act, 1995(hereinafter referred to as 'the University Act'). The relevant Statutes are as under:

Appointments

19. (1) All appointments to teaching posts shall be made by the Executive Council on the recommendations of the Selection Committees.

(2) Appointments to non-teaching posts carrying an initial pay of Rs.15600-39100+5400 GP per mensem or more, shall be made by the Executive Council, on the recommendation of the Establishment Committee.

(3) For posts carrying an initial salary not exceeding Rs.9300-34800+4200 GP per mensem, appointments shall be made by the Vice-Chancellor.

(4) Notwithstanding anything contained in clauses (1), (2) and (3) above, the Vice-Chancellor may, where he considers necessary, make an ad hoc or temporary appointment for a period not exceeding six months, if it is not possible or desirable to make regular appointment.

Selection Committees

20. *(1) A Selection Committee for any appointment of Professor/ Associate Professor/ Assistant Professor specified below shall consist of:-

For the Post of University Assistant Professor:

1. The Vice-Chancellor to be the Chairperson of the Selection Committee.
2. Three experts in the concerned subject, to be invited on the basis of the list recommended by the Vice-Chancellor and approved by the Executive Council.
3. Dean of the concerned Faculty.
4. Chairperson of the Department, if he is a Professor.
5. An academician nominated by the Chancellor.

The quorum should be four out of which at least two outside subject-experts must be present.

6.5. Apparently, the regular selection committee for appointment of Assistant Professors under Statute 20 is to be headed by the Vice-Chancellor, and should have three outside experts, a Chancellor's nominee, Dean of the Faculty and Head of the Department, apart from other members. The recommendations of this selection committee are to be approved by the Executive Council. This mandatory procedure was not followed before appointing the petitioners, as they were engaged on the recommendations of *ad hoc* selection committee(s) pursuant to walk-in-interviews, based upon limited advertisement inviting applications from eligible as well as ineligible candidates for appointment on consolidated salary for a limited period. It goes without saying that many of the eligible persons looking for appointment on regular posts would not have applied in response to such an advertisement. Therefore, it cannot be said the petitioners have been appointed following the proper selection procedure mandatorily required for the post of Assistant Professor. Further, there is no document on record to establish that they were engaged against sanctioned posts and not by way of '*short term arrangement to meet the uncovered workload of the university departments concerned*', as mentioned in the impugned order. The office order, dated 01.10.2019, is only to the effect that salary of contractual/guest teachers is to be drawn against certain vacant posts of Professors, and in some cases those of Assistant Professors, in the Departments concerned; salary of many of them has been ordered to be drawn against contingency (funds) as well. Apparently, this is only an internal administrative arrangement to pay salary equivalent to minimum of

pay scale to contractual teachers as directed by this Court, and does not in any manner establish that the petitioners' appointment was against sanctioned posts.

6.6. Also, the petitioners cannot claim regularisation on the basis of length of service rendered on contract basis, since they have been allowed to continue in service in deference to the orders passed by this Court from time to time, as mentioned hereinbefore. In the earlier round of litigation, by filing *Komal Dhanda* and *Vishal Kumar* cases *ibid.*, the petitioners sought directions to be allowed to work till joining of regular incumbents. The prayer was granted also, vide order dated 21.08.2019. They cannot be allowed now to take an about-turn and seek regularisation in service. Besides, it is the petitioners' own case that the University has invited applications, vide advertisements 4 to 19/2023, for regular selection of Assistant Professors in the Department where they are working. Thus, it is not a case that the University is endlessly continuing with contract appointees, like the petitioners, who have been engaged for a specific period. There is no averment in the petition as to whether the petitioners have already applied for regular selection in response to the advertisements aforementioned; the fact has not been denied either. All this takes the steam out of the argument that the University has adopted exploitative practices in engaging the petitioners on contract for a long period. Pertinently, the University has not issued or adopted any policy for regularising services of contractual Teaching Associates, nor is there any such precedent.

7. The judgment in *Jaggo* case (*supra*), relied upon by learned counsel for the petitioners, is beside the point and does not concern the issue arising for consideration in the case at hand. It dealt with the question of regularisation of part-time workers engaged by the Central Water Commission as *Safaiwalis* and *Khallasi* between 1993 and 2004, and held them entitled to it under the following circumstances:

10. Having given careful consideration to the submissions advanced and the material on record, we find that the appellants' long and uninterrupted service, for periods extending well beyond ten years, cannot be brushed aside merely by labelling their initial appointments as part-time or contractual. The essence of their employment must be considered in the light of their sustained contribution, the integral nature of their work, and the fact that no evidence suggests their entry was through any illegal or surreptitious route.

11. The appellants, throughout their tenure, were engaged in performing essential duties that were indispensable to the day-to-day functioning of the offices of the Central Water Commission (CWC). Applicant Nos. 1, 2, and 3, as *Safaiwalis*, were responsible for maintaining hygiene, cleanliness, and a conducive working environment within the office premises. Their duties involved sweeping, dusting, and cleaning of floors, workstations, and common areas—a set of responsibilities that directly contributed to the basic operational functionality of the CWC. Applicant No. 5, in the role of a *Khallasi* (with additional functions akin to those of a *Mali*), was entrusted with critical maintenance tasks, including gardening, upkeep of outdoor premises, and ensuring orderly surroundings.

12. and 13. xxx xxx xxx

14. The abrupt termination of the appellants' services, following dismissal of their Original Application before the Tribunal, was arbitrary and devoid of any justification. The termination letters, issued without prior notice or explanation, violated fundamental principles of natural justice. It is a settled principle of law that even contractual employees are entitled to a fair hearing before any adverse action is taken against them, particularly when their service records are unblemished. In this case, the appellants were given no opportunity to be heard, nor were they provided any reasons for their dismissal, which followed nearly two decades of dedicated service.

15. Furthermore, the respondents' conduct in issuing tenders for outsourcing the same tasks during the pendency of judicial proceedings, despite a stay order from the Tribunal directing maintenance of status quo, reveals lack of bona fide intentions. Such actions not only contravened judicial directives but also underscored the respondents' unwillingness to acknowledge the appellants' rightful claims to regularisation.

16. to 19. xxx xxx xxx

20. It is well established that the decision in *Uma Devi* (supra) does not intend to penalize employees who have rendered long years of service fulfilling ongoing and necessary functions of the State or its instrumentalities. The said judgment sought to prevent backdoor entries and illegal appointments that circumvent constitutional requirements. However, where appointments were not illegal but possibly "irregular," and where employees had served continuously against the backdrop of sanctioned functions for a considerable period, the need for a fair and humane resolution becomes paramount. Prolonged, continuous, and unblemished service performing tasks inherently required on a regular basis can, over the time,

transform what was initially ad-hoc or temporary into a scenario demanding fair regularisation. In a recent judgment of this Court in *Vinod Kumar v. Union of India and others*⁵, it was held that procedural formalities cannot be used to deny regularisation of service to an employee whose appointment was termed “temporary” but has performed the same duties as performed by the regular employee over a considerable period in the capacity of the regular employee. The relevant paras of this judgment have been reproduced below:

“6. The application of the judgment in Uma Devi (supra) by the High Court does not fit squarely with the facts at hand, given the specific circumstances under which the appellants were employed and have continued their service. The reliance on procedural formalities at the outset cannot be used to perpetually deny substantive rights that have accrued over a considerable period through continuous service. Their promotion was based on a specific notification for vacancies and a subsequent circular, followed by a selection process involving written tests and interviews, which distinguishes their case from the appointments through back door entry as discussed in the case of Uma Devi (supra).

7. The judgment in the case Uma Devi (supra) also distinguished between “irregular” and “illegal” appointments underscoring the importance of considering certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews as in the present case...”

21. and 22.

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23. The International Labour Organization (ILO), of which India is a founding member, has consistently advocated for employment stability and the fair treatment of workers. The ILO's Multinational Enterprises Declaration⁶ encourages companies to provide stable employment and to observe obligations concerning employment stability and social security. It emphasizes that enterprises should assume a leading role in promoting employment security, particularly in contexts where job discontinuation could exacerbate long-term unemployment.

7.1. Ostensibly, this was a case where the Court ordered regularisation of part-time workers performing essential functions of maintaining hygiene, cleanliness and providing conducive working environment for office spaces. Their duties involved sweeping, dusting and cleaning of floors, work stations and common areas, et cetera; such posts did not have any mandatory educational pre-requisites. Their long engagement as part-time workers for decades, and termination without notice only to avoid their rightful claim to regularisation, was considered violative of healthy labour practices, especially when their services were integral to functioning of the organisation. These workers cannot be compared to the petitioners who are working as Teaching Associates/teachers in the University; it will be like comparing apples and oranges which can never be. The two are fundamentally different and hardly share any similarity. The petitioners' contractual service in the University is also not in the circumstances comparable to the ones whereunder the part-time workers rendered service. Accordingly, the petitioners cannot seek regularisation by alluding the judgment in *Jaggo* case *ibid*. Additionally, the University

teaching is a professional's job to be performed by highly qualified persons, who have responsibility of imparting education at graduate/post-graduate levels. A mandatory selection process befitting the nature of the job has therefore been laid down for making such appointments. The process is not a mere 'procedural formality' which can be ignored for regularising the petitioners as Assistant Professors, as has been argued on their behalf. It is sacrosanct and mandated by the University Statutes to ensure only the deserving candidates, who are best suited for the job on the strength of academic competence and personal attributes, are appointed out of the widest possible pool of talent. This also underscores the need for inviting applications through proper advertisement and giving it extensive circulation. The Supreme Court too has unambiguously laid down the nature of an 'irregular' appointment, as against 'illegal/backdoor' appointment, by holding, "... *certain appointments even if were not made strictly in accordance with the prescribed Rules and Procedure, cannot be said to have been made illegally if they had followed the procedures of regular appointments such as conduct of written examinations or interviews...*". Therefore, to consider an appointment as 'irregular' in the given situation, the procedure prescribed under the Rules for making regular appointment needs to be followed, though not *stricto sensu*. In the instant case, the regular prescribed procedure for making selection has not been followed even *sensu lato*, since the broad contours of making a fair selection, as laid down, have not been adhered to. As discussed hereinbefore, the advertisement was not proper, nor was the formation of selection committee.

It was a restricted advertisement, issued for a limited purpose and not for making regular appointment against sanctioned posts. This defeats the basic postulate of prescribed selection procedure, that is, to select out of the best available talent as per the standards and norms laid down for higher education, keeping in mind interests of the institution. Resultantly, the petitioners' cannot seek regularisation in service on this score as well, and the judgment does not advance their case in any manner.

7.2. The judgment in *Nishi* case (*supra*) also does not help the petitioners as it has been rendered on different facts. The petitioners therein were continuously working as Assistant Professors on temporary basis in constituent colleges of the Panjab University since September 2012 without any order by the Courts. They were statedly selected after interviews and appointed against sanctioned posts meant for direct recruitment for which applications had been invited vide advertisement 9/2012 issued by the University. Whereas in the instant case, neither was there any advertisement for appointment against sanctioned posts on temporary basis, nor were the petitioners appointed as such; their selection was also not by a duly constituted selection committee.

8. In view of the discussion, there is no merit in the petition and it stands dismissed.

January 13, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

Whether speaking/reasoned : *Yes*

Whether reportable : *Yes*