
(2006) 08 P&H CK 0492
In the Punjab And Haryana At Chandigarh

Arvind Kumar and Others

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 22-08-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 08 P&H CK 0492

Hon'ble Judges : M.M.S. Bedi, J;M.M. Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The petitioners through the instant petition filed under Article 226 of the Constitution has prayed for issuance of a writ in the nature of mandamus directing the respondents that the law laid down by this Court in the case of Balraj Singh and Ors. v. State of Haryana and Ors. CWP No. 2743 of 2006 decided on 20.3.2006 for guest faculty teachers in Haryana Education Department be also made applicable in the case of the petitioners. It could not be successfully disputed by the learned Counsel for the petitioners that petitioners have been engaged as Guest Faculty teachers who are to be paid at the rate of per lecture and their selection has not been made in accordance with the rules governing the service condition of such teachers/ lecturers nor they have been appointed by the District Education Officer or Director Public Instructions who under the rules are their appointing authority. It is evident from the perusal of criterion, procedure and remuneration (Annexure P.1) that headmasters and principals have been authorised to engage the Guest Faculty teachers/ lecturers. Therefore the petitioners cannot be considered to have any substantive right to the post for which they have been engaged for a specified period. In that regard, reliance may be placed on the judgement of the Hon'ble Supreme Court in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, .

2. For the reasons mentioned above, this petition fails and the same is

dismissed. However, the petitioners may file a representation with regard to their salary to the respondents within a period of four weeks and the respondents shall take cognizance of the representation, if any, filed by the petitioners and shall decide the same expeditiously preferably within a period of four months of its receipt. If the claim of the petitioners is found to be meritorious and decided in their favour then the benefit accruing to the petitioners shall be given within a further period of three months. It shall be appreciated if a speaking order is passed.