
(2020) 09 P&H CK 0129

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 6968, 7124, 7157, 9498 Of 2020(O&M)

Suman Devi.

APPELLANT

Vs

State Of Haryana And Ors.

RESPONDENT

Date of Decision : 22-09-2020

Acts Referred:

Constitution Of India, 1950 — Article 14, 226

Citation : (2020) 09 P&H CK 0129

Hon'ble Judges : Jaswant Singh, J;Sant Parkash, J

Bench : Division Bench

Advocate : Suresh Kumar Kaushik, Shubhra Singh

Final Decision : Dismissed

Judgement

Jaswant Singh, J

1. Vide this common order, the aforementioned four (4) writ petitions are being decided, as same question of law is involved. There are 14 writ petitioners in CWP No. 7157 of 2020 and one writ petitioner each in remaining CWP Nos. 6968 of 2020, 7124 of 2020 and 9468 of 2020.

2. In CWP No. 7157 of 2020 fourteen (14) petitioners (appointed in the session of 2013-14 onwards) were working as Extension Lecturers on temporary/ ad-hoc basis in different streams like Maths, English, Physics, Psychology, Botany, Hindi, Chemistry, Political Science in Government Colleges, whereas in CWP No. 9498 of 2020, the petitioner is working as Extension Lecturer (w.e.f 10.08.2015), who have challenged policy/ guidelines dated 04.03.2020 whereby all the Extension Lecturers who do not possess the qualification/ eligibility of passing National Eligibility Test (for short 'NET') as per the Haryana Education (College Cadre) Group 'B' Rules, 1986 (as amended from time to time), as applicable to Assistant Professor of Government Colleges, are not eligible to continue on the said posts. In CWP No. 6968 of 2020 (petitioner working w.e.f 05.09.2014) and CWP No. 7124 of 2020 (petitioner working w.e.f 28.08.2014), petitioners have been

disengaged as Extension Lecturers in the discipline of English and Psychology respectively, on the basis of the policy dated 04.03.2020 and thus, in addition to challenging the policy/ guidelines dated 04.03.2020, they have also challenged their orders of termination.

3. Ld. Counsel for the petitioners has made the following submissions:

a) Although the petitioners are not NET qualified but were appointed as Extension Lecturers(on purely temporary/ ad-hoc basis) by duly constituted selection committees despite the fact that they were not eligible on the date of their initial appointment.

b) The conditions of in-eligibility as mentioned in the policy dated 04.03.2020 (appended as Annexure P-12 with CWP No. 6968 of 2020) and consequent orders of dis-engagement are contrary to the previous judgments passed by this Court in CWP No. 16975 of 2014 titled as "Rita Tandon Vs State of Haryana and others" decided on 27.07.2016 as well as Judgment dated 25.01.2018 passed in bunch of writ petition, lead case being CWP No. 20767 of 2017 titled as "Anita Vs State of Haryana and others".

c) Petitioners were given a fixed salary of Rs. 25,000/-per month and were equated to Assistant Professors for the first time vide policy dated 20.07.2015 (Annexure P-5), however the salaries of Assistant Professors is much higher than that of Extension Lecturers.

d) Extension Lecturers neither fall under the ambit of UGC Regulations nor they were paid salary as per UGC. Therefore, the eligibility conditions as mentioned in the Haryana Education (College Cadre) Group 'B' Rules, 1986 are without any basis and thus liable to be quashed.

e) A large number of regular Assistant/Associate Professors are working in Government Colleges who are not having NET/Ph.d, however they continue to serve because when they were initially appointment there was no condition of NET/Ph.D. Thus, in case such employees are permitted to continue in service, then petitioners also have a right to serve.

f) Even as per clauses 18 and 19 of impugned policy/guidelines (P-12) removal/relieving of extension lecturers can be done in two situations i.e (i) due to less workload (ii) due to unsatisfactory services. However, in case of petitioners, they have been removed from service on none of the two grounds mentioned in the policy, as more than 3000 posts are still lying vacant.

Thus, prayer has been made for quashing the impugned policy dated 04.03.2020 as well as the orders regarding dis-engaging the services of petitioners.

4. On the other hand, Ld. Counsel for the State, while referring to the short reply filed by Director General Higher Education has submitted that the State Government has adopted University Grants Commission (UGC) Regulations, 2006 for (Minimum Qualifications for Appointment of Teachers and other Academic

Staff of Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education), vide Memo No. KW-7/18-2009 C-IV (3) dated 21.07.2011 (Annexure R-1). As per the said notification, duly adopted by the State Government, only those candidates who are in possession of minimum educational qualification as prescribed therein, including passing of NET, are eligible for being considered for the posts in question. It is submitted that the said Regulations of 2006/2010 has been duly upheld by the Hon'ble Supreme Court in P. Susheela and others Vs University Grant Commission and others cited as 2015 (8) SCC 129. It is further argued that the ineligible Extension Lecturers were engaged on temporary/ ad-hoc basis due to acute shortage of Lecturers in the State of Haryana and under compelling circumstances in Government Colleges to meet out the urgent requirement of the colleges. However, recently 1800 Assistant Professors in different subjects have been recruited and a number of other candidates have acquired the minimum qualifications as well. As far as the litigation referred by the petitioners is concerned, Ld. State Counsel submits that there was never any direction to continue with the ineligible candidates in case eligible employees are available. Further, it is submitted that the petitioners cannot equate themselves with the regularly appointed employees as they are governed by their own set of statutory rules. Thus, it is stated that neither there is any discrimination as alleged by the petitioners nor violation of any judgment passed by this Court.

5. We have heard Ld. Counsel for the parties at length and have perused the paperbooks with their assistance. We are of the opinion that following three issues are involved for consideration before this Court:

ISSUES:

i) Whether the impugned policy dated 04.03.2020 is liable to be quashed as it declares those candidates in-eligible, who do not possess the NET being arbitrary especially in view of the fact that these in-eligible candidates were appointed through validly constituted selection committee?

ii) Whether the petitioners claim discrimination with the regularly appointed employees as these regularly appointed employees are continuing despite the fact that they are not qualified, whereas petitioners have been barred from continuing on their jobs?

iii) Whether the policy in question is in direct contravention to the various judgments passed by this Court i.e CWP No. 16975 of 2014 titled as "Rita Tandon Vs State of Haryana and others" decided on 27.07.2016 as well as Judgment dated 25.01.2018 passed in bunch of writ petition, lead case being CWP No. 20767 of 2017 titled as "Anita Vs State of Haryana and others".?

6. Before proceeding to decide the issues involved, it is apposite to discuss in brief the history of these cases.

BRIEF HISTORY

7. The State of Haryana was having acute shortage of Lecturers who could teach students in Government Colleges of Haryana for various subjects. In order to fill up the gaps and as a purely temporary arrangement, the State of Haryana employed these Extension Lecturers. Since no contract was entered amongst the parties, it was purely an ad-hoc arrangement, whereby these Lecturers were paid for every period they imparted education. Ultimately, the State Government adopted the UGC Regulations, 2006/2010 whereby the minimum eligibility for a Lecturer included being NET qualified. Since, the State Government had either removed such in-eligible lecturers or were in process of disengaging them, various writ petitions were filed. One such writ petition was CWP No. 16975 of 2014 titled as "Rita Tandon Vs State of Haryana and others". The said writ petition was disposed off by a Single Bench of this Court by making the following observations:

" xxxx 2. Having regard to the orders passed in CWP No.9300 of 2015 (Mrs. Menka and ors. V. State of Haryana and ors.) decided on May 5, 2016 and the orders passed by the Coordinate Bench in CWP No.14732 of 2014 (Baljeet Singh & anr. V. State of Haryana & ors.) pronounced on September 16, 2014, vide which the petition filed by similarly placed extension Lecturers was dismissed on the premises that the services of Extension Lecturers are not engagements on contract unlike in the cases of Guest Faculty Lecturers who are bound by contracts in writing and therefore, Extension Lecturers have no claim as a matter of right not to be replaced by a similar arrangement. Having considered the two judgments and orders handed down and having heard the learned counsel for the respective parties in this bunch of cases, the petitions are disposed of with the following directions:-

(1) Those of the petitioners who are engaged as Extension Lecturers but are not NET qualified are open to be replaced by Extension Lecturers who are NET passed candidates. In case, NET qualified candidates are not available in response to the advertisements inviting applications for Extension Lecturers, to the extent of vacancies notified, then the petitioners, who do not possess NET certificates, will have a right to continue as Extension Lecturers provided their work, conduct and performance is satisfactory. Those petitioners, who are not NET qualified but falling within the deficit/shortfall of advertised vacancies will not be replaced by a similar arrangement till direct recruitment is made and regular candidates are available for joining the post. However, in cases, where the NET qualified candidates are available to fill all the vacancies required to be filled from amongst Extension Lecturers then it will be open to the Government to engage the petitioners who are NET qualified to the exclusion of others.

(2) There is no gainsaying that both Guest Faculty Lecturers on contract basis and Extension Lecturers (with or without NET) who are not bound by contracts in writing, their rights would remain subservient to open merit regular recruitment and can be replaced as and when regular recruitment is made or when their work and conduct is not found up to the mark and reasons therefore are furnished and

engagements to be discontinued will be without casting any stigma on their work and conduct so that their future employment to public service under the State is not imperilled. In other words, they will not be disadvantaged by mere fact of disengagement either by replacement theory amongst NET qualified candidates or when their work and conduct is found short of standards required to be maintained in colleges.

(3) That apart, the stand taken in the written statement filed by the State will be taken as undertaking to this Court. Mr. Harish Rathee Learned Sr. DAG, Haryana has assured this Court that the process of engagement or replacement shall remain absolutely transparent without any tinge of bias or unfair discrimination within the homogenous group. Grievances, if any, in the working of this system may be brought to the notice of the Education Department, where their grievances can be settled expeditiously, failing which, it will be open to the petitioners to present applications in the disposed of matters for further orders and in case Court interference is found necessary to restore the balance of justice equitably.

(4) In cases, where disengagements/cessation of work have taken place and NET qualified Extension Lecturers are not available, Government would consider their cases for recall in the current/next session, as the case may be. In this regard, decisions be taken without any delay and preferably within 7 days of the petitioners bringing their grievances to the notice of the College-authorities.

(5) So far as remuneration is concerned, the State would be bound by the directions issued in CWP No.9300 of 2015 (supra) which entitles them to salary for the vacation period and remuneration @ Rs. 1000/- per lecture subject to a maximum of Rs. 25000/- per month. These directions will remain subject to the appeal filed by the State of Haryana in cases mentioned in para. 2 above. It is understood that those UGC guidelines which apply to the colleges would be honoured, obeyed and kept in mind to the extent they prescribe in running the educational institutions. "

(Emphasis supplied)

8. Admittedly, this Judgment has become final as no appeal was filed against it. From a bare perusal of the aforesaid judgment, following points become clear:

- An Extension Lecturer has no right to continue on the post as a matter of right.
- Those Extension Lecturers who are not NET qualified are open to be replaced by Extension Lecturers who are NET passed candidates.
- If the posts are not filled by due to any reason then the candidate who are not NET qualified would continue to impart lectures subject to their work and conduct.

However, this arrangement is purely till the time regular lecturers are not appointed.

9. Thereafter, a bunch of writ petitions were filed before this Court (lead case being Anita Rani Vs State of Haryana CWP No. 20767 of 2020), whereby an apprehension was raised by them that:

"XXXX

3. The apprehension of the petitioners that guidelines issued at Annex P-6 dated July 20, 2017 after the judgment of this Court in CWP No.16975 of 2014, Mrs. Rita Tandon v. State of Haryana and others decided on July 29, 2016 and CWP No.14226 of 2016, Deepak Kumar and others v. State of Haryana and others decided on September 21, 2016 would be removed straightaway on the coming into force of the guidelines is not well founded and the anxiety expressed that Extension Lecturers who are not NET qualified in terms of the Haryana Education (College Cadre) Group B Service Rules, 2012 is highly exaggerated.

4. This is not the correct interpretation to be placed on para.2 of the guidelines which speaks of disengagement of the unqualified, which grievance is principally assailed in this petition. There can be no doubt that normally only such persons should be engaged to teach who fulfil qualifications prescribed in the rules and the UGC, New Delhi. There can be no quarrel with this proposition. However, the temporary arrangement made in Mrs. Rita Tandon and Deepak Kumar and other cases in similar strain before and after these two decisions is only to act as bridge to eventual regular recruitment of qualified college teachers. Needless to say, the State would abide by the directions in Mrs. Rita Tandon and Deepak Kumar cases and to repeat it is again observed that those petitioners who are engaged as Extension Lecturers but are not NET qualified are open to be replaced by Extension Lecturers who are NET passed candidates.

5. In case, NET qualified candidates are not available in response to the advertisements inviting applications for Extension Lecturers, to the extent of vacancies notified, then the petitioners, who do not possess NET certificates, will have a right to continue as Extension Lecturers for the time being provided their work, conduct and performance is satisfactory. Those petitioners, who are not NET qualified but fall within the deficit/shortfall of advertised vacancies will not be replaced by a similar arrangement till direct recruitment is made and regular candidates are available for joining the cadre posts. However, in cases, where the NET qualified candidates are available to fill all the vacancies required to be filled from amongst Extension Lecturers then it will be open to the Government to engage the petitioners who are NET qualified to the exclusion of others.

6. This settles the matter and the apprehension of the petitioners.

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(Emphasis supplied)

10. Admittedly, this Judgment has also become final, as no appeal was filed against it. From a bare perusal of the aforesaid judgment, following points become clear:

- Those Extension Lecturers who are not NET qualified are open to be replaced by Extension Lecturers who are NET passed candidates.
- If the posts are not filled by due to any reason then the candidate who are not NET qualified would continue to impart lecturers subject to their work and conduct.

However, this arrangement is purely till the time regular lecturers are not appointed.

In essence what was directed earlier, has been merely re-iterated in the order dated 25.01.2018 passed in Anita's case supra.

11. Thereafter, certain Extension Lecturers filed numerous writ petitions challenging their dis-engagement before this court. All the said cases were clubbed together and finally, vide a common judgement dated 16.07.2020, a total of sixty seven (67) cases were disposed off (leading case being Ritika Vs State of Haryana and others bearing CWP No. 2715 of 2020) were disposed by Ld. Single Judge of this Court. The said cases were disposed off in terms of the judgment passed by Ld. Single Judge in Anita Rani's case supra as well as considering the impugned policy dated 04.03.2020. In paragraph no. 4, following directions were given:

" 4. On consideration of the submissions made by the counsel for the parties and keeping in view the facts and circumstances of the present case as also the policy of the Government of Haryana dated 04.03.2020, a direction is issued to the Director, Higher Education, Haryana - respondent No.2 to consider the claims of the each of the petitioners in these writ petitions in the light of the policy guidelines dated 04.03.2020 (Annexure R-3) within a period of one month and pass individual speaking orders thereon afresh irrespective of the earlier order(s) passed in their cases and without being influenced in any manner by it. In case the claims of the petitioners are found to fall within the parameters of the policy guidelines dated 04.03.2020 (Annexure R-3), they be continued/appointed. In case the claim of any of the petitioners is found to be not covered by the above policy, details with regard to the clause which renders the petitioner ineligible be specified detailing therein as to what/which qualification is not possessed by the said candidate rendering him/her ineligible for appointment. The speaking order so passed by the Director, Higher Education, Haryana - respondent No.2 shall be conveyed to the petitioners within a further period of one week. "

12. However, in paragraph 5 of the said judgment, it was also directed that if vacancies are available after appointing eligible candidates as per policy guidelines dated 04.03.2020, then the ineligible candidates be also considered. For ready reference, paragraph no. 5 is reproduced as under:

"5. After making appointment of the eligible candidates as per the policy guidelines dated 04.03.2020 (Annexure R-3), if there are still vacancies available, even ineligible candidates be considered for continuation/appointment

so that the studies of the students do not suffer in any manner because of the teacher being not available. "

13. Thus, from the aforesaid orders it becomes clear that time and again the State Government has been insisting upon the minimum eligibility requirements as envisaged in UGC Regulations, 2006/2010. It is not that the policy dated 04.03.2020 (P-12) is a result of whims and fancies of State Government, who has, out of the blue made this as a necessary requirement.

14. Now in this background, we proceed to answer the questions which require consideration:

ISSUE NO.1

15. In order to adjudicate issue no. 1, we would like to highlight the main features of the impugned policy dated 04.03.2020 (P-12), which are as under:

"2. Only such persons shall be engaged as Extension Lecturers who fulfill the Qualification/Eligibility as per the Haryana Education (College Cadre) Group 'B' Service Rules applicable to Assistant Professor of Government Colleges (hereinafter referred to as 'Eligible Extension Lecturers'). Non-qualified persons engaged by the Principals shall be removed after coming into force of these policy however, the information about court protected ineligible extension lecturers shall be sent to Directorate prior to such action by the Principal Concerned so that appropriate applications may be filed in the Hon'ble Court for vacation of stay/modification of orders in view of the present Policy.

3. If there is workload, as per norms stipulated, to engage new eligible Extension Lecturers in any subject, prior approval of the Director General Higher Education with workload and justification shall be obtained. In no case, eligible Extension Lecturer shall be engaged without prior approval of the Director General Higher Education Haryana.

4. Application will be invited thorough publication/advertisement by the Principal concerned in two prominent national newspapers (Hindi and English) strictly as per the approval given by the Director General Higher Education in cas no displaced eligible extension lecturer as mentioned at Sr. Nos.22 & 23 come forward for engagement. The draft advertisement shall include details about qualification as per the norms, pay scales etc., decided by the Government for engagement of Eligible Extension Lecturers and shall be got approved from Director General Higher Education, Haryana.

16. A perusal of the policy, especially paragraphs 2 to 4 reproduced above, shows the clear intention of the State not to continue with those Extension Lecturers who are not eligible. It is these paragraphs that are primarily under challenge before this Court.

It is settled position of law that an employer has every right to impose certain eligibility conditions for employment.

17. In the present case, the petitioners are required to impart higher education in Government Colleges. These students are to be taught by Assistant Professors who are admittedly governed by their own statutory rules namely Haryana Education (College Cadre) Group 'B' Service Rules, 2016. Those statutory rules clearly stipulate NET as one of the eligibility criteria for appointment to the post of Assistant Professor. The State Government has adopted these minimum eligibility conditions with certain amendments from UGC vide its memo dated 21.07.2011. The said Regulations have already withstood scrutiny from the Hon'ble Supreme Court in P. Susheela's case, whereby it was held as follows:

"The arguments based on Article 14 equally have to be rejected. It is clear that the object of the directions of the Central Government read with the UGC Regulations of 2009/2010 are to maintain excellence in standards of higher education.

Keeping this object in mind, a minimum eligibility condition of passing the national eligibility test is laid down. True, there may have been exemptions laid down by UGC in the past, but the Central Government now as a matter of Policy feels that any exemption would compromise the excellence of teaching standards in universities/colleges/ institutions governed by the UGC. Obviously, there is nothing arbitrary or discriminatory in this in fact it is a core function of UGC to see that such standards does not get diluted. "

18. A perusal of the judgment makes it clear that a minimum eligibility condition of passing NET is neither arbitrary nor any exemption can be made to compromise with the excellence of teaching standards. However, in order to accommodate the Extension Lecturers from time to time, considering their length of service as also the fact that they were appointed through selection committees, this Court has been helping such ineligible candidates to retain their jobs with certain riders. We are of the opinion that such riders have to stop somewhere as these Extension Lecturers had ample time to clear their NET examinations and become eligible. But for reasons best known to them, these ineligible candidates have not been able to secure minimum eligibility qualifications for so many years together.

19. The State Government is although expected to be a model employer, however, it cannot be expected to compromise with the standards of teaching merely because at one point of time it was in acute shortage of Lecturers, which forced them to employ ineligible candidates as a stop gap arrangement. As is evident from the Affidavit filed by Director General, Higher Education and not even rebutted by Ld. Counsel for the petitioners that nearly 1800 Assistant Professors have since been regularly appointed, we see no reason that State Government is still under obligation to continue with in-eligible candidates without any rhyme and reason. Although petitioners have stated that nearly 3000 posts are still lying vacant, we do not see as how it makes their case better. It is for the employer to see as to how to utilize its employee and how it wants to burden them with work. Merely because posts are lying vacant cannot justify

continuation of ineligible employees. Further, we are of the firm opinion that there cannot be two different sets of criteria for same post.

20. As far as the argument raised by counsel for the petitioner that there can be no comparison between Assistant Professor and Extension Lecturers on account of disparity in their pay as well as the fact that Extension Lecturers are not governed by UGC regulations, we are afraid the said argument is completely frivolous. The duties of Extension Lecturers and Assistant Professors are same. They are required to teach students in Government Colleges. The only divergence is when a regularly appointed Assistant Professor is not available then Extension Lecturers are required as a stop gap arrangement. Thus, the difference is only of nomenclature and not of the duties.

21. Consequently, we have no hesitation in holding that the impugned policy dated 04.03.2020 does not suffer from arbitrariness and cannot be quashed as it declares those candidates in-eligible, who do not possess NET although were appointed through validly constituted selection committee.

ISSUE NO.2

22. The State Government had framed Haryana Education (College Cadre) Group 'B' Rules, 1986, whereby all the Lecturers (re-designated as Assistant Professors) were recruited. The Government of Haryana had adopted the UGC Regulations of 2006/2009 vide its memo dated 21.07.2011. A bare perusal of the memo would show that State of Haryana has adopted "minimum qualifications for appointment of teachers and other academic staff in Universities and Colleges". The word 'appointment' itself makes it clear that any recruitment, either direct or through promotion, which were to be made in future are to be governed by the UGC Regulations of 2006/2009. The said recommendations made by UGC were adopted by the State Government with certain amendments in the Service Rules of 1986 by way of amendment in the year 2016. It is these amended Service Rules which have been made applicable to Extension Lecturers as well. No instance has either been pleaded or shown to us whereby any regular employee was appointed contrary to the statutory rules governing the posts after the amendment was made. The employees who are working prior to the said amendment cannot be considered as in-eligible post amendment, as any amendment made in the Rules for fresh appointment is always prospective and not retrospective. On the other hand, Extension Lecturers are ad-hoc employees who were engaged as a Stop gap arrangement. Since, that exigency does not exist anymore, it cannot be said that the State Government is wrong in doing away with those employees who are not NET qualified.

23. Notwithstanding what has been observed above, even if certain employees are working against these statutory rules, it cannot be made as a ground for permitting petitioners to continue because two wrongs don't make a right. It is settled position of law that one wrong cannot be made as an example for permitting another wrong as well. This principle can be applied to petitioners as

well, who have been appointed after the recommendations were accepted by the State Government in 2011. Once the State Government has accepted the recommendations whereby NET was one of the essential qualification, then their initial appointment was as such bad, to say the least.

Thus, in this view of the matter, issue no. 2 is also decided against the petitioners as these Extension Lecturers cannot be equated with regularly appointed employees, who were engaged as per Statutory Rules and services of these regular employees are protected by law.

ISSUE NO. 3

24. A bare perusal of the orders passed by Ld. Single Benches of this Court from time to time clearly show that they were exercising their inherent jurisdiction granted under Article 226 of the Constitution to safeguard the interest of ineligible Extension Lecturers. It was a concession based upon human compassion for the un-employed which became a mitigating factor for giving directions from time to time. However, even these orders make it clear that these in-eligible extension lecturers have legally no right to continue. These directions which are issued by the Court are always subject to change in circumstances and these changed circumstances were considered by the Ld. Single Judge in Ritika's case *supra*, whereby indirectly it approved of the policy dated 04.03.2020 and directed the authority concerned to pass speaking orders.

25. Not only this, an order concerning same issue came up for detailed consideration before a Division Bench of this Court in LPA No. 395 of 2020 titled as "Pulkit Arya and others Vs State of Haryana and others" decided on 06.08.2020, whereby it was held that such ineligible Extension Lecturers have no right to continue. For sake of clarity, the judgment is reproduced as under:

"1. This is an appeal directed against the judgment dated 19th February, 2020 passed by the learned Single Judge in CWP-18217-2017.

2. The Appellants are Extension Lecturers, but do not possess NET certificates. They have, by the impugned judgment dated 19th February, 2020 of the Single Judge, been allowed to continue as such pending their substitution by those possessing the NET qualification. The issue in the present appeal is whether the Appellants can be replaced by those possessing the NET qualification without being granted an opportunity to acquire such qualification?

3. The Court finds that the learned Single Judge has disposed of the writ petition relying upon an earlier order dated 25th January, 2018 passed by a Single Judge of this Court in a batch of writ petitions, the lead case of which was CWP-20767-2017 (Anita v. State of Haryana). In that order, reference was made to the earlier decision of learned Single Judge dated 29th July, 2016 in CWP-16975-2014 (Mrs. Rita Tandon v. State of Haryana). The operative portion of the aforesaid order dated 25th January, 2018 reads as under:-

"5. In case, NET qualified candidates are not available in response to the

advertisements inviting applications for Extension Lecturers, to the extent of vacancies notified, then the petitioners, who do not possess NET certificates, will have a right to continue as Extension Lecturers for the time being provided their work, conduct and performance is satisfactory. Those petitioners, who are not NET qualified but fall within the deficit/shortfall of advertised vacancies will not be replaced by a similar arrangement till direct recruitment is made and regular candidates are available for joining the cadre post. However, in cases, where the NET qualified candidates are available to fill all the vacancies required to be filled from amongst Extension Lecturers then it will be open to the Government to engage the petitioners who are NET qualified to the exclusion of others."

4. Learned counsel for the Appellants contends that since the Appellants have all been working for a considerable number of years, ranging from 6 to 8 years, they should be given some time to acquire the NET qualification on par with a similar benefit being granted to those teachers working in "privately managed government aided, recognized schools" under the Haryana State Education School Cadre (Group B) Service Rules, 2012.

5. As far as this contention is concerned, learned counsel for the Respondents has pointed out that minimum requirement of NET qualification has been consistently insisted upon by the State in its policies and has been reiterated in its recent policy dated 4th March 2020.

6. Since, as of date there is no such policy to grant time to serving contractual Extension Lecturers, not possessing NET time to possess such qualification while continuing in service, it is not possible for the Court to dictate to the Respondents to provide such a facility to the Appellants.

7. The second contention raised is that those replacing the Appellants should not be themselves engaged on a contractual basis. As far as this contention is concerned, since the Appellants in any event do not possess the mandatory NET qualification and, as such, cannot continue, there is no requirement to consider the submission as to how they are likely to be replaced

8. The Court finds no ground to interfere with the impugned order of the learned Single Judge.

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26. Thus, it is seen that the State has been consistently trying to weed out the candidates who are not eligible by filling up these posts with eligible candidates. The directions that have been issued from time to time, does not afford any protection to the ineligible candidates in perpetuity. As observed earlier, since the State does not have shortage of eligible lecturers now, it was well within its power to frame and implement the impugned policy dated 04.03.2020 (P-12) and ignore the ineligible Extension Lecturers. Hence issue no 3 is also answered in favour of the State, as it cannot be said the impugned policy is in conflict with the directions issued by this Court from time to time.

In view of the above, finding no merit in the present writ petitions, same are hereby dismissed.