



SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
	04.11.2024		WPSB No. 297 of 2024 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> <u>Hon'ble Vivek Bharti Sharma, J.</u> 1. Mr. Anurag Tiwary, learned counsel for petitioner. 2. Mr. V.K. Kaparuwan, learned Central Government Standing Counsel for respondent No. 1. 3. Dr. Kartikey Hari Gupta, Mr. Rafat Munir Ali and Ms. Irum Zeba, learned counsel for Hemvati Nandan Bahuguna Garhwal University/ respondent nos. 2 & 3. 4. Ms. Anjali Bhargava, learned counsel for University Grants Commission/ respondent no. 4. 5. By means of this Writ Petition, petitioner has sought the following reliefs : <i>I. To issue a writ, order or direction quashing the letter dated 20-03-2019 (Annexure No. 7) issued by the OSD (Visitor) to the MHRD and MHRD's Letter dated 25-03-2019 issued to the committee as being ultra vires and illegal.</i> <i>II. To issue a writ, order or direction quashing the decision of the committee vide MOM dated 04-05-2019 (Annexure No. 8) as being violative of Article 14 of the Constitution of India, as being ultra vires and illegal.</i> <i>III. To issue a writ, order or direction quashing the letter dated 09-05-2019 (Annexure No. 9) issued by the MHRD to the committee as being violative of Article 14 of the Constitution of India, as being ultra vires and illegal.</i> <i>IV. To issue a writ, order or direction quashing the letter dated 18-06-2019 (Annexure No. 11) issued by the MHRD to the committee as being ultra vires and illegal.</i> <i>V. To issue a writ, order or direction setting aside the appointment of Prof. Annapurna Nautiyal as the Vice-Chancellor of HNB Garhwal University as being violative of Article 14 of the Constitution of India and in clear violation of the Statutes, Rules and Regulations governing the said recruitment process.</i> <i>VI. To issue a writ, order or direction to Respondent No. 1 as well as Respondent No. 3 to consider the appointment</i>



			<i>of the petitioner herein as the Chancellor/Vice-Chancellor of HNB Garhwal University so as to rectify his wrongful rejection despite being recommended for the post of Vice-Chancellor of HNB Garhwal University as per the Summary Note dated 13-02-2019 (Annexure No. 6).</i> <i>VII. To issue a writ, order or direction holding that Rule 7.3 of the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 (Annexure No. 15) is unconstitutional in so far as it allows appointments to be carried out as per the nomination method to the post of Vice-Chancellor of Central Universities in the country.</i> <i>VIII. To pass any other order that this Hon'ble Court may deem fit and proper in the interest of justice, equity and good conscience."</i> 6. From the pleadings made in the Writ Petition, it is revealed that petitioner responded to an advertisement dated 30.01.2018 issued by Government of India, Ministry of Human Resource Development, Department of Higher Education, inviting applications for appointment to the position of Vice-Chancellor in Hemvati Nandan Bahuguna Garhwal University (HNBGU), Srinagar, Uttarakhand. 7. According to petitioner, he belongs to Scheduled Tribe community, who was called for interview, and the Search-cum-Selection Committee had recommended his name for appointment. However, Visitor did not accept the recommendation made by the Search-cum-Selection Committee, and requested for submission of a fresh panel of candidates. The course of action, adopted by Visitor, according to petitioner, is not permissible in law. 8. Learned counsel appearing for respondents, however, raised a preliminary objection regarding delay and laches. It is contended by them that the Writ Petition has been filed after nearly six years from
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the date of issuance of the advertisement by Government of India, Ministry of Human Resource Development, Department of Higher Education, and after more than five years of appointment of respondent no. 5 as Vice-Chancellor of Hemvati Nandan Bahuguna Garhwal University (HNBGU), Srinagar, Uttarakhand. It is further submitted that the term of respondent no. 5, as Vice-Chancellor, has also come to an end on 31.10.2024. Therefore, they contend that no relief can be granted to petitioner at this belated stage, when he has completed more than 70 years of age, which is the upper-age limit to hold the position of Vice-Chancellor.

9. This Court finds substance in the submission made by learned counsel for respondents. Since, respondent no. 5 was appointed as Vice-Chancellor, vide order dated 31.10.2019, therefore, belated challenge to her appointment, after five years, cannot be entertained, that too, when her term has also come to an end.

10. Accordingly, the present Writ Petition is dismissed on the ground of delay and laches.

11. Pending application(s), if any, also stand disposed of.

(Vivek Bharti Sharma, J.)

04.11.2024

Rahul

(Manoj Kumar Tiwari, A.C.J.)

04.11.2024