

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-26716-2015

Date of Decision: 21.12.2015

Sandeep Malik and others

---Petitioner

Vs.

Maharishi Daya University (MDU) and another

-----Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: Mr. Sanjeev Kodan, Advocate
for the petitioner

HARINDER SINGH SIDHU, J.

The petitioners are working as Associate Professor in the Institute of Hotel and Tourism Management, which is a department of MDU, Rohtak. A letter was circulated on behalf of the Registrar to all the Heads of Department/ Directors of Teaching Staff of the Institute to furnish their requirement of teaching post under budget and SFS through the Departmental Committee with full justification and specialization within a week from the issue of the letter.

The respondent-University has issued advertisement dated 04.10.2015 (Annexure P-3) in which post at Sr. No.30, for Associate Professor, (Tourism) Institute of Hotel & Tourism Management has been advertised.

Ld. Counsel states that as per the University Calender Chapter-10, all the teachers of a department shall be members of the Departmental Committee. Only confirmed teachers will have voting right. Head of the Department shall be the Chairperson of the

Departmental Committee. The quorum for the meeting of the Departmental Committee shall be 50% of the total strength of the confirmed teachers as per Clause 2(a) above. The duties/powers of the Departmental Committee as per clause 4(vii) shall include the powers to make recommendations regarding specialization of teaching posts keeping in view the overall growth of the Department.

Learned counsel for the petitioner states that the advertisement has been issued without receiving the recommendation of the departmental committee. He states that in fact only three teachers who do not constitute quorum have forwarded the recommendation based on which the advertisement has been issued. The petitioners have been representing to the respondents with their grievance that the recommendation is not proper being in violation of the aforesaid provisions of the University Calendar but to no avail.

Without commenting on the merits of the case, this writ petition is disposed of with a direction to respondent No.1 to look into the grievance of the petitioners as contained in the representation dated 15.10.2015 (Annexure P-4) and take any appropriate decision as may be warranted in the interest of the University as per the applicable regulations and statutes.

21.12.2015
Atul

(Harinder Singh Sidhu)
Judge