

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

**C.M. No.3387 of 2015 in/and
C.W.P. No.4352 of 2015
Date of Decision : 18.03.2015**

Sunita Kumari

..... Petitioner

versus

Pt. B.D. Sharma University of Health Sciences, Rohtak and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rajesh K. Kataria, Advocate
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

CM-3387-2015

For the reasons recorded, the application is allowed subject to all just exceptions. Document (Annexure P-10) is taken on record. The main case is taken up for hearing today itself.

CWP-4352-2015

By this petition the petitioner has made two claims. Firstly that she has been wrongly declared to be ineligible for the post of Professor and secondly that the respondents be directed to fill up the post of Professor.

I am afraid the second prayer is not maintainable. It is well

known that it is the discretion of the employer to fill up or to not fill up a particular post. Consequently, the second prayer has to be rejected out of hand.

As regards the first prayer, in my opinion, it would be in the interest of justice to declare that the order whereby the petitioner has been held to be ineligible would have no application. As and when the respondents decide to fill up the post of Professor the eligibility and suitability of the petitioner would have to be determined with reference to that date.

Petition stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

March 18, 2015

ashish

**(AJAY TEWARI)
JUDGE**