

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : July 02, 2015

1. C.W.P No.6312 of 2015 (O&M)
2. C.W.P No.6481 of 2015 (O&M)

Janta Vidya Mandir Ganpat Rai Resiwasia College

VS

State of Haryana and others,

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. RA Sheoran, Advocate
for the petitioner in CWP No.6312 of 2015.

Mr. Yagyadeep, Advocate for
Mr. RPS Bara, Advocate
for the petitioner in CWP No.6481 of 2015.

Mr. Gaurav Jindal, Addl. AG Haryana

Mr. Anurag Goyal, Advocate
for respondents No.3 and 4.

1. **Whether Reporters of Local Newspapers 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)

This order shall dispose of CWP Nos.6312 and 6481 of 2015,
as similar questions of law and facts are involved therein.

Written statement has been filed by respondents No.3 and 4 in
CWP No.6481 of 2015. Copy supplied.

These writ petitions have been filed for quashing the impugned

orders directing the petitioner-College to stop the interviews for the post of Assistant Professors in CWP No.6312 of 2015, and for the posts of non-teaching staff in CWP No.6481 of 2015.

Brief facts, as extracted from CWP No.6312 of 2015, are that pursuant to the application submitted by the petitioner-College, the Director Higher Education granted permission on 4.8.2014 to fill up the post of Assistant Professors in the College. Accordingly, various posts were advertised for the post of Assistant Professors on regular basis on 13.8.2014. Thereafter, the petitioner-College sent a letter dated 25.10.2014 to the Deputy Registrar (Colleges), MD University, Rohtak asking to appoint nominee of the University for the selection committee. On 30.1.2015, the University appointed various Professors as nominees. The petitioner-College sent a letter dated 13.2.2015 for condonation of delay in filling up the posts. The University, vide its letter dated 23.2.2015, replied that there was no need to condone the delay since it appointed its nominees before the expiry of six months. Thereafter, the petitioner-College sent a letter to the Director General, Higher Education (respondent No.2) to appoint a nominee on his behalf. On account of some difficulty, date of interview was changed to 23.3.2015 for some posts by the petitioner-College. On 31.3.2015, vide the impugned orders, interviews were cancelled by the respondent-University.

The precise grievance of counsel for the petitioner is that as far as the petitioner is concerned, time had elapsed because academicians nominated by respondent Nos.3 and 4 to participate in the interview had successively expressed their inability for the same and in these

circumstances, the petitioner could not have been penalized for the delay and its prayer for condonation of delay should have been accepted.

In the reply, a total divergent stand has been taken. It is not pleaded that there was delay on the part of the petitioner but it has been pleaded that some complaints had been made.

In my opinion, respondents No.3 and 4, in the facts and circumstances of this case, could not have cancelled the interviews. Had it been a case where interviews were delayed due to some fault of the petitioner, of-course there may be justifiable reasons for cancelling the interviews but where delay has been caused only because academicians nominated by respondent Nos.3 and 4 to participate in the interview had successively expressed their inability for the same for one reason or the other, the said delay cannot be attributed to the petitioner. The stand taken in the reply, being contrary to the stated reason, is liable to be rejected.

In the circumstances, these writ petitions are allowed and the impugned orders are set aside. The petitioner-College would inform respondents No.1 and 3 about the next date for interview and the respondents would ensure that the nominees are there.

July 02, 2015
'kk'

(AJAY TEWARI)
JUDGE